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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2000/43

Addendum

Visit to Brazil

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* This report is being circulated in English and Spanish only. The annex is being circulated in English only.

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Introduction

1. Following a request by the Special Rapporteur in November 1998, the Government of Brazil invited him in May 2000 to undertake a fact-finding mission to the country within the framework of his mandate. The objective of the visit, which took place from 20 August to 12 September 2000, was to enable the Special Rapporteur to collect first-hand information from a wide range of contacts in order to better assess the situation of torture in Brazil, thus enabling the Special Rapporteur to recommend to the Government a number of measures to be adopted in order to comply with its commitment to put an end to acts of torture and other forms of ill-treatment.

2. During his mission the Special Rapporteur visited the following states: Federal District of Brasilia, São Paulo, Rio de Janeiro, Minas Gerais, Pernambuco and Pará. In Brasilia, he held meetings with the following authorities: the President of the Federal Republic of Brazil, H.E. Mr. Fernando Henrique Cardoso; the Minister of Justice, Dr. José Gregori; the Secretary of State for Human Rights, Ambassador Gilberto Vergne Saboia; the National Secretary for Justice Ms. Elisabeth Süssekind; the Secretary-General of the Ministry of Foreign Affairs (acting Minister), Ambassador Luis Felipe de Seixas Correa; the President of the Federal Supreme Court, Minister Carlos Mário da Silva Velloso; the President of the Federal Court of Appeal, Mr. Paulo Roberto S. da Costa Leite; the General Prosecutor of the Republic, Dr. Geraldo Brindeiro; the President of the Commission on Human Rights of the Chamber of Deputies, Mr. Marcos Rolim, as well as some members of the Commission and the Chairman of the Sub-Commission on the prevention and punishment of torture; Mr. Nilmario Miranda; the Federal Prosecutor for the Rights of the Citizens, Ms. Maria Eliane Menezes de Farias; and some public prosecutors from the Centre against torture (*Núcleo contra tortura*) of the Public Prosecutor's Office of the Federal District.

3. In São Paulo city (State of São Paulo), the Special Rapporteur held meetings with the following authorities: the Governor, Mr. Mario Covas; the State Secretary for Public Security, Mr. Marco Vinicio Petrelluzzi; the State Secretary for Penitentiary Administration, Mr. Nagashi Furukawa; the State Secretary in Charge of Social Development, Mr. Edsom Ortega Marques, as well as some of his colleagues working for the State Foundation for the Well-Being of Minors (*Fundação Estadual para o Bem Estar do Menor - FEBEM*); State Secretary for Justice, Mr. Edson Vismona; the Special Assistant at the Attorney-General's Office for Human Rights, Mr. Carlos Cardoso de Oliveira Júnior; the Head of the Civil Police, Mr. Ruy Estanislau Silveira Mello; the Police Ombudsman (*ouvidor*), Mr. Benedito Domingos Mariano; the Head of the Military Police, Colonel Luiz Carlos de Oliveira Guimarães; the President of the Court of Appeals, Mr. Marcio Martins Bonilha. In Rio de Janeiro (State of Rio de Janeiro), he held meetings with the following authorities: the Governor, Mr. Anthony Garotinho; the State Secretary for Justice, Mr. João Luis Duboc Pinaud; the State Secretary for Public Security, Colonel Josias Quintal; the Coordinator for the Public Security, Colonel Jorge da Silva; the head of internal affairs (corregedor) for the civil police, Doctor José Versillo Filho; the *corregedor* for the military police, Colonel José Carlos Rodrigues Ferreira; the external *ouvidor* for the military and civil police, Dr. Celma Duarte; the General Prosecutor, Dr. José Muños Piñeiro; the President of the Tribunal of Justice, Mr. Humberto de Mendoça Manes. In Belo Horizonte (State of Minas Gerais), he held meetings with: the Governor, Mr. Itamar Franco; the State Secretary for Justice, Dr. Angela Maria Prate Pace; the State Secretary for Public Security,

Dr. Mauro Ribeiro Lopes; the *corregedor* for the military police, Mr. José Antonio de Moraes; the *corregedor* for the civil police, Mr. José Antonio Borges; the General Commander of the Military Police, Colonel Mauro Lucio Gontijo; the Under-Secretary for Human Rights; Dr. José Francisco da Silva. In Recife (State of Pernambuco), he held meetings with: the Governor, Mr. Jarbas de Andrade Vasconcelos; the State Secretary for Justice, Mr. Humberto Vieira de Melo; the Director of the Penitentiary System, Mr. Geraldo Severiano da Silva; the Director of the Foundation for the Support of Children and Adolescents (FUNDAC), Mr. Ivan Porto; the State Secretary for Social Defence, Mr. Iran Pereira dos Santos; the Head of the Civil Police and *corregedor* for the military and civil police, Mr. Francisco Edilson de Sé; the *ouvidor* for the military and civil police, Mr. Sueldo Cavalcanti Melo; the President of the Tribunal of Justice, Mr. Nildo Nery dos Santos; the Prosecutor General, Mr. Romero Andrade. In Belém (State of Pará), he held meeting with: the President of the Tribunal of Justice/Chief Justice, Mr. José Alberto Soares Maia; the Attorney General, Mr. Geraldo Rocha; the State Secretary for Justice, Ms. Maria de Lourdes Silva da Silveira; the State Secretary for Public Security, Mr. Paulo Sette Câmara; the Superintendent of the Penitentiary System, Mr. Albério Sabbá; the Head of the Civil Police, Mr. Lauriston Luna Gáes; the Head of the Military Police, Captain Jorgilson Smith; the *ouvidor* for the police, Ms. Rosa Rothe. In all states, he also met with members of the Human Rights Commission of the State Legislative Assembly.

4. The Special Rapporteur also met persons who themselves or whose relatives had allegedly been victims of torture or other forms of ill-treatment and received verbal and/or written information from non-governmental organizations (NGOs), including the following: the Centre for the Study of Violence (*Núcleo de Estudos da Violência*), Global Justice Centre (*Justiçia Global*), Office for Judicial Assistance to Popular Organizations (GAJOP), National Human Rights Movement, Action of Christians for the Abolition of Torture (ACAT), *Tortura Nunca Mais*, Prison Ministry (*Pastoral Carceiraria*), Prison Ministry for the Land (*Comisão Pastoral de la Terra*). Finally, he also met lawyers and public prosecutors, including public prosecutors in charge of juvenile offenders in São Paulo.

5. In all cities except Brasilia, the Special Rapporteur visited police lock-ups and pre-trial and juvenile detention centres as well as prisons. With respect to detention facilities, while it is not within the mandate of the Special Rapporteur to describe and analyse the conditions of detention exhaustively, as with his visits to other countries, he took the opportunity while in Brazil to visit a number of them, mainly to meet with people who could testify to the treatment they had received in places of detention before being transferred to a pre-trial detention centre or a prison. Nevertheless, prior to his visit, the Special Rapporteur had received information according to which the conditions of detention were torturous and therefore he could not ignore this issue. A description of the conditions in these various places of detention may be found in the first part of the present report.

6. The Special Rapporteur wishes to thank the Government of the federative republic of Brazil for having invited him. He also wishes to thank the Federal and State authorities for extending full cooperation during the mission, thus making his task much easier. He expresses his gratitude to the Resident Representative of the United Nations and his staff at the United Nations Development Programme for their logistic and other support.

I. THE PRACTICE OF TORTURE: SCOPE AND CONTEXT

A. General issues

7. During the course of the past few years (see E/CN.4/1999/61, paras. 86 *et seq.* and E/CN.4/2000/9, paras. 134 *et seq.*), the Special Rapporteur had advised the Government that he had been receiving information according to which police routinely beat and tortured criminal suspects to extract information, confessions or money. The problem of police brutality, at the time of arrest or during interrogation, was reportedly endemic. The failure to investigate, prosecute and punish police officers who commit acts of torture was said to have created a climate of impunity that encouraged continued human rights violations. The Special Rapporteur had also transmitted information on the prison conditions, which were reported to be notoriously harsh. Severe overcrowding was alleged to be prevalent throughout the prison system. As a result, prison riots were said to be a common occurrence and prison guards were reported to resort to the use of excessive force. Even though internal legislation might provide adequate provisions to safeguard detainees' human rights, a combination of corruption, lack of professional training for prison guards and lack of official guidelines and effective monitoring of abuses was said to have prompted an ongoing crisis in the penitentiary system. Torture was also believed to be used as a punishment by prison officers who allegedly apply illegal collective "punishment".

8. In its Initial report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government recognized that "[t]he existence of a law which characterizes crimes of torture and the measures of the federal Government and some state governments to curb the perpetration of this crime so as to prevent inhuman treatment from being imposed on prisoners are initiatives which are slowly changing the situation of the issue in Brazil. The persistence of this situation means that police officers are still making use of torture to obtain information and force confessions, as a means of extortion or punishment. The number of confessions under torture and the high incidence of denunciations are still significant .... Demands of prisoners at police stations for medical, social or legal assistance, or to change certain aspects in the prison routine are not always peacefully welcomed by police officers or agents. It must be observed that retaliation against prisoners involving torture, beatings, deprivation and humiliation are common .... Many of these crimes remain unpunished, as a result of a strong feeling of *esprit de corps* among police forces and reluctance to investigate and punish officials involved with the practice of torture. .... The lack of training of police officers and penitentiary officials to carry out their duties is another important aspect affecting the continuation of the practice of torture."[1]

9. During his mission, the Special Rapporteur received information from non-governmental sources and a very large number of accounts by alleged torture victims or witnesses, of which a selection is reproduced in the annex to this report, indicating that torture is widespread and, most of the time, concerns persons from the lowest strata of the society and/or of African descendant or belonging to minority groups. It must be noted that a large number of detainees feared reprisals for having spoken to the Special Rapporteur and a significant number of them therefore refused to make their testimonies public. The most commonly reported techniques used were beatings with hands, iron or wooden bars or a *palmatória* (a flat but thick piece of wood looking

like a large spoon, said to have been used to beat the palm of hands and soles of feet of slaves); techniques referred to as *telefone*, which consists in repeatedly slapping the victim's ears alternatively or simultaneously, and *pau de arara* (parrot's perch), which consists in beating a victim who has been hung upside down; applying electro-shocks on various parts of the body, including the genitals; placing plastic bags, sometimes filled in with pepper, over the head of the victims. The purpose of such acts was allegedly to make persons under arrest sign a confession or to extract a bribe, or to punish or intimidate individuals suspected of having committed a crime. It is reported that being of African descent or belonging to a minority or marginalized group, and in particular a combination of those characteristics, make such persons more easily suspected of criminal activities in the eyes of law enforcement officials.

10. The President of Brazil indicated that his Government was planning to implement a comprehensive public security plan. The Special Rapporteur notes, however, that the fight against a high level of criminality was often presented by his official interlocutors as an explanation, if not a justification, of the rather tough behaviour of law enforcement officials who were reported to have to face violent criminals while having limited resources at their disposal. The focus of public security policies was thus believed to be on repression, apparently sometimes without clear limitations, rather than prevention. The need to alleviate the general feeling of public insecurity which feeds constant requests from the population for always stronger and more repressive measures against suspected criminals was often stressed. The media were also said to be partly responsible for this feeling of insecurity amongst the public. In that respect, it was said, in particular by NGOs, that human rights education of the population at large needed to be seriously improved.

11. For ease of reference, this section begins with a detailed description of the places of detention visited by the Special Rapporteur during his stay in the following states: São Paulo, Rio de Janeiro, Minas Gerais, Pernambuco and Pará. It is subdivided into the following categories of places of detention: police stations/lock-ups, pre-trial detention centres, prisons and juvenile detention centres. The Special Rapporteur did not visit any places of detention in the Federal District of Brasilia as few allegations had been made with respect to it. Similarly, he had received little information according to which federal law enforcement officials were responsible for torture. In all places of detention visited by the Special Rapporteur, with the exception of Nelson Hungria prison in Minas Gerais, the main problem was overcrowding which, coupled with an inadequate, indeed often falling apart architectural plant, unhygienic sanitation, lack of health care and poor quality or even a shortage of food, made the conditions of detention sub-human, as several authorities had warned. According to NGOs, those conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant authorities. However, the Special Rapporteur notes that a number of his official interlocutors, in particular heads of police stations (*delegados*), complained about the extreme material situation they were made to face because of, according to them, lack of resources. Most of them regretted having to hold persons in such bad conditions. Furthermore, as pointed out by the *delegado* of the theft and robbery police station of Belo Horizonte, owing to the fact that most detainees are held in police stations rather than in pre-trial detention centres or prisons, police officers are compelled to act as guards rather than as investigators, while their primary function and training concern the latter.

12. A number of *delegados*, as well as heads of pre-trial detention centres and prisons, drew the Special Rapporteur's attention to the fact that the overcrowding, coupled with a lack of personnel resources, often led to high levels of tension between the staff and the detainee population, attempted escapes and often violent rebellions which could only be dealt with by the use of force. The tough treatment to which detainees were allegedly subjected was thus justified by some authorities by the need for the staff to control the detainee population and maintain order in places of detention. It must be noted that, on several occasions, the Special Rapporteur advised the authorities concerned to take immediate measures to ensure that appropriate medical treatment is provided to detainees.

13. Beatings are also said frequently to be used to punish inmates who allegedly have not respected the internal disciplinary rules. Special police units are often called in to restore order and security and the excessive use of force is common in such instances. Many allegations referred to members of the special units wearing hoods and using wooden and iron sticks and wires. Beatings were also said to occur the nights following a revolt or an attempted escape, as a form of punishment. Transfers to new places of detention are reported often to be accompanied by beatings by guards upon arrival, as a way of indicating to newcomers who is in charge. Detainees are allegedly made to run a gauntlet formed by the guards and security personnel who kick and punch them, often with sticks and chains, while reciting internal disciplinary rules (a technique referred to as the Polish corridor, *corredor polonês*). According to the information received, inmate-on-inmate violence is frequent in police lock-ups and prisons. The fact that recidivists convicted of violent crimes are held with first-time petty offenders, the harsh conditions of detention, the lack of effective supervision owing to the scarcity of security personnel, the lack of activities for detainees and the abundance of weapons brought into detention places, allegedly with the complicity of the police or prison personnel, are believed to be the main factors of this violence. In some instances, it was alleged that such violence was condoned or even encouraged by public authorities responsible for those places.

14. According to NGOs, with respect to the level of responsibility, some of the incriminated security personnel act out of ignorance and others out of pure habit, for they have acted that way for a long time without fear of any consequences, in particular during the military regime (1964-1985). However, the NGOs recognized the resolve of the federal and some state governments to end such practices, even if the steps taken are still met with caution. Indeed, they drew the Special Rapporteur's attention to the fact that at least a certain degree of violence against suspected lawbreakers seems to be socially accepted, or even encouraged, the very concept of human rights being perceived as a way of protecting law-breakers. According to several non-governmental and some official sources, the common perception of the population at large is that persons under arrest or in detention deserve to be ill-treated, as well as to be held in bad conditions. It was therefore believed that political decision-makers were under pressure to fight criminality by all means rather than to combat torture.

15. The President of Brazil expressed his and his Government's commitment to human rights and determination to tackle the problem of torture. In particular, he indicated that considerable efforts were currently being made to build new detention centres with a view to reducing the overcrowding, even though he acknowledged that too many people were arrested and detained unnecessarily. Similarly, the President of the Supreme Court recognized the need to pay closer attention to the problem of torture and indicated that judges were all educated in human rights.

B. State of São Paulo

1. Police stations

16. The Special Rapporteur visited several police stations. In all of them, overcrowding was the main problem. For example, cells of the 50th district police station were holding five times more people than their official capacity. In all police stations visited, detainees were held in subhuman conditions in very dirty and smelly cells without proper light and ventilation. It was unbearably humid in most cells. Detainees had to share thin mattresses or sleep on the bare concrete floor, and often had to sleep in shifts because of the lack of space. Recent and long-term detainees were mixed together, some having just been arrested while others were in pre-trial detention; a large number had already been sentenced, but could not be transferred to prisons because of lack of space.

17. In all police station lock-ups, the Special Rapporteur heard from detainees the same testimonies of beatings with iron and wooden sticks or bars or being subjected to *telefone*, in particular during interrogation sessions to extract confessions, after attempted escapes or revolts, and to maintain calm and order. Plastic bags sprayed with pepper were said to be put over the detainees' heads in order to suffocate them and a large number of allegations referred to electro-shocks.

18. On 26 August, the Special Rapporteur visited the 50th district police station where 166 persons were detained in six cells built to hold up to 30; 10 days before the visit of the Special Rapporteur, there were said to have been more than 200 persons. Some had spent more than a year in these cells. Five police officers per shift were said to guard all the detainees, which posed serious problems with respect to security and order. According to the authorities, during the week before the visit of the Special Rapporteur, there had been four attempted escapes.

19. In one cell measuring approximately 15 square metres 32 persons were detained. They indicated that they were sleeping in shifts on the six very thin mattresses they possessed. A hole was used as a toilet and shower. From Monday to Friday, they were reportedly let out of their cells and could use the little patio. According to the information received, relatives and friends of detainees were humiliated and harassed by police officers during visits. Detainees were allegedly also insulted by the guards during the visits. Only close relatives were said to be authorized to visit and only basic food, such as crackers and noodles, were allowed.

20. The Special Rapporteur visited the cell where the so-called *seguros* were detained, i.e. those allegedly in need of protection from other detainees and therefore held separately. The cell measured approximately nine square metres and contained five beds. Sixteen persons were held there. Some confirmed that they had fought with other inmates while others did not know why they were detained in the *seguros* cell. One detainee believed he had a contagious disease. It is also believed that some were held in the *seguros* cell because they could not afford to buy space in a normal cell. They were allegedly never taken out of their cell, even during visits by their relatives.

21. In an office next door to the one where interrogation sessions were said to be held and as indicated by detainees, the Special Rapporteur found several iron bars similar to those described by the alleged victims of beatings. The officers in charge explained first that they were items of evidence in police criminal inquiries. The Special Rapporteur was not convinced by this explanation as the articles were not labelled. They then explained that they were used to check the cells' bars. Detainees indicated to the Special Rapporteur that as the guards were checking bars, they were beating detainees. In another room on the first floor, the Special Rapporteur found other iron bars. The same explanation was given to the Special Rapporteur by the *delegado* who had arrived in the meantime. He added that some of the bars had been confiscated from detainees who were planning to use them during revolts. The Special Rapporteur noted that some of these instruments were actually labelled, while others were not. Finally, the Special Rapporteur found some hoods identical to those described by detainees, e.g. with respect to the incident of 9 June 2000 (see annex), and a small package of electrodes. With regard to the latter, the *delgado* stated that they were used to weld iron bars damaged by detainees. The *delegado* explained that the hoods had been found in the cells, but could not explain what the detainees would use them for.

22. Most of the detainees feared reprisals, in particular being sent to Itacoa police station where they believed their lives would be in danger because of the violence of other inmates, who were allegedly given knives, iron bars and similar instruments by the guards themselves. Detainees also acknowledged that since the arrival of the new *delegado* in July 2000, the beatings had stopped. The latter recognized that some of his staff may still use the threat of sending detainees to Itacoa police station to obtain order.

23. On 27 August, the Special Rapporteur visited the 11th district police station in Santo Amaro. The lock-up contained five cells measuring approximately 12 square metres each and holding 176 persons at that time, i.e. more than 35 persons in each cell. They were organized around a yard measuring approximately 40 square metres in which detainees were said to be free to move around from 8.00 a.m. to 6.00 p.m. on weekdays. Each cell contained a basic shower, i.e., a pipe, and a hole used as a toilet separated by a plastic sheet which had been put up by detainees themselves in an attempt to ensure some privacy. Water was said to be stopped periodically. In one cell, detainees indicated that they had not had water for three days. Once all detainees were seated in their respective cells, the Special Rapporteur noted that there was no space. Detainees said that they had been sleeping in shifts. There were no mattresses.

24. Many detainees had serious health problems, allegedly resulting from the treatment they had been subjected to during interrogation. One detainee had attempted, with co-detainees, to treat an injury resulting from a gunshot which, because of lack of medical treatment, had become seriously infected. Another had a dislocated right shoulder. A third was said to be suffering from tuberculosis and was in an obviously very weak state. It is alleged that requests for medical assistance are not responded to by the police authorities and often lead to further beatings. A large number of detainees also complained about skin diseases brought about by the conditions of detention. The Special Rapporteur noted that numerous detainees refused to speak to him out of fear of reprisals. When asked by the Special Rapporteur if their names could be referred to the *delegado* in order to ensure that appropriate medical treatment was provided, some detainees refused, also for fear of reprisals.

25. On the second floor, in the archive room, the Special Rapporteur found a number of iron bars, some with plastic handles, as well as a large machete. Again, it was explained that these items had been confiscated from detainees (despite the fact that they were not labelled) or were used to check the cells' bars.

26. On 27 August, the Special Rapporteur visited DEPATRI police headquarters (*Departamento de Investigações sobre Crimes Patrimoniais*), which is composed of several investigative units, but which has only one common lock-up. Two thousand police officers are said to be attached to DEPATRI. Its lock-up is divided into four sections, of which only one was still in use, the others having allegedly been destroyed during revolts. The section still in use is composed of four cells measuring approximately 20 square metres and holding at that time 178 persons while the official capacity was said to be 15 persons per cell. As there is no yard, detainees were held in their cells 24 hours a day. The only natural light came from a window at the end of the corridor along which the cells were located. There were 12 beds. The detainees therefore were forced to sleep on the bare concrete floor or in shifts. A shower from which ran filthy water constantly, as well as a hole used as a toilet, were separated from the main part of the cell by a plastic sheet put up by the detainees themselves. Numerous bullet holes, consistent with allegations that police had fired above detainees' heads to either threaten them or maintain order, especially after alleged revolts or attempted escapes, were visible on the walls of the cells and of the corridor. The quality of the food appeared to the Special Rapporteur to be poor. Only visits by female relatives were said to be authorized, according to the authorities for security reasons. According to information later received by the Special Rapporteur, the authorities decided to close down the DEPATRI lock-up in mid-January 2001.

27. On 27 August, the Special Rapporteur visited at night the 2nd district police station where detainees were said to be taken before being brought to court. It consisted of a long corridor 1.5 metres wide and 40 metres long around an open square. As it was raining, the corridor was literally packed with people, many of them half dressed, since they had allegedly been ordered to strip. The *delegada* in charge said that there were 188 detainees, but that sometimes there were more than 220. The air in the corridor was suffocating. Rubbish was lying on the floor and in the courtyard and the four toilets, consisting of holes blocked by excrement, were open to the corridor. The Special Rapporteur could not fail to notice the nauseating smell. According to information received before his visit, the station was cleaned once a week and was allegedly cleaned the day before the visit. The walls were covered with bullet holes. According to information received, shots were fired from time to time by guards to frighten detainees. Detainees said that it was therefore too dangerous to enter the yard, where the only water tap was located. The *delegada* confirmed that detainees were forbidden to enter the yard as she believed there was too great a risk that detainees would escape by the semi-open roof by forming a human pyramid. Authorities indicated that detainees were transferred to this police station in order for them to be closer to the court.

28. It is the belief of the Special Rapporteur that detainees waiting to appear in court in such subhuman conditions could only look to the judge to be unwholesome and dangerous. A large number of detainees expressed their shame at being seen in such a dirty and foul-smelling state when they were brought to court. They did not understand why they had to be brought to the station before being taken to court, instead of being taken directly from their respective police

lock-ups. They understandably believed that their humiliation was perpetuated on purpose in order to erode any sympathy on the part of the judges. The Special Rapporteur notes with concern the comment of a guard who, when told that the prisoners feared reprisals for talking to the Special Rapporteur and his team, told the detainees that, as they had behaved properly that night, it would not be necessary to "do anything to them".

2. Prisons

29. On 25 August, the Special Rapporteur visited the Detention House (*Casa de Detenção*) of Carandiru penitentiary where 7,772 prisoners were held in nine blocks. Detainees were said to be divided according to the crime for which they had been sentenced. The official capacity of the Detention House was 3,500, but the Director said that the prisoners themselves, who had built new beds in their cells, had increased the capacity. In the blocks he visited, the Special Rapporteur noted that first-time and repeated offenders were together. All detainees complained about the poor quality of the food, which was mainly composed of pasta and rice mixed together.

30. In Block Four, the Special Rapporteur visited the punishment cells located in the basement, commonly referred to as the dungeon. The cells measure approximately nine square metres and contain a cement bed, a sink, and a hole as a toilet. Some detainees had allegedly received a very thin mattress and a sheet the day before the visit. At the time of the visit, the cells were without light, very smelly and dirty despite the fact that the main corridor was being washed, according to the detainees for the first time for at least 20 days. Cells intended for one person held two to five detainees. Most detainees had spent more than 20 days in these cells and did not know the length of their punishment.

31. A number of the prisoners in these cells claimed that they were being punished for having refused to be transferred from their original block, Block Nine, to the wing where transvestites and rapists are held as punishment for fighting among themselves. Before being sent to the punishment cells, they had been severely beaten with iron bars and some had been forced to sign a paper indicating they agreed to the transfer. Three detainees still had visible marks of torture consistent with their allegations. The Special Rapporteur was informed that one detainee had had his leg broken by the beatings and had been transferred, with two other seriously injured detainees, a few hours before the Special Rapporteur's visit. When the Special Rapporteur asked to see them, he was told that two had been taken to court and were supposed to return shortly and the other had been transferred to Mandaqui hospital. Several hours later, the Special Rapporteur was told that two detainees were at the State High Security Prison where he was able to interview Marcelo Fereira da Costa and Ronaldo Gaspar dos Santos, despite the fact that they were in a state of shock and terrified of being subjected to reprisals after the Special Rapporteur's departure (see annex). The following morning, the Special Rapporteur went to Mandaqui hospital to interview the third prisoner. Upon arriving at the hospital, he was told that the prisoner had been sent back to the *Casa de Detenção* at 23.30 p.m.the previous night. Finally, on 26 August, the Special Rapporteur met with Marcelo Miguel dos Santos who was in a wheelchair (see annex).

32. The Special Rapporteur also visited the medical facility located on the second floor of Block Four. He noted the very limited medical resources and the dirty conditions, in particular the poor sanitary facilities, in which sick detainees were treated by a small medical team. According to the nurses who were present, any prisoner could come to the medical wing and would be given medication, if necessary; patients requiring more specialized treatment would be transferred to a hospital.

33. In Block Five, the Special Rapporteur visited the fifth floor where the so-called *seguros* are detained. They are most commonly referred to as the "yellows" (*amarelos*) due to the colour of their skin which, because of the lack of natural light, becomes pale to the point of actually turning yellow. These detainees said that they were let out of their cells on Sundays, but only if they had visitors which, for a large number of them, was rare. Otherwise, they were said to be kept in their cells all the time. Ten to fifteen detainees were held in 15 square metres, with thin and dirty mattresses on the floor and a hole for a toilet and a shower. The cells were infested with insects, which were said to cause itching and skin diseases. Some detainees had allegedly been kept for more than six months in these cells without having seen any natural light. A number of them appeared to the Special Rapporteur to be mentally ill or seriously disturbed and a large number alleged that they had been transferred to that section of the prison as a form of punishment. One of them alleged that he had been beaten with iron bars for having asked for medical treatment. Marks consistent with his allegations, in particular on his head and shoulders, were still visible at the time of the visit of the Special Rapporteur. Two others who bore marks of serious recent beatings refused to speak to the Special Rapporteur for fear of reprisals. The Special Rapporteur was later informed that the Secretary of State in charge of the penitentiary system had decided to close this section of the *Casa de Detenção*. By mid-January 2001, it was reported that 230 out of the 300 prisoners kept there had been transferred to another prison in Sorocaba.

34. In the same block, the Special Rapporteur visited the cells situated on the same floor but on the other side of the corridor, where mainly non-Catholic detainees were kept, reportedly placed together at their own request. There were four prisoners to a cell, which were clean and well-furnished with mattresses and, most of the time, an additional cooker. Two floors below, the Special Rapporteur visited cells holding up to eight prisoners in more than 20 square metres. These cells were clean and contained a separate shower, toilet and sink. Each person had a mattress and some personal items. The detainees explained that they had better conditions because they were working, but no explanation was given as to why they had been selected to perform some manual labour. Before his visit, the Special Rapporteur had received information according to which detainees have to pay or rent their cells through cell leaders collaborating with prison guards. The head of this block categorically denied this allegation. In this and other blocks, detainees who were living in the worst conditions were nevertheless able to quote to the Special Rapporteur the price of better cells.

35. During his visit to the various blocks, the Special Rapporteur was able, most of the time thanks to the hints given by detainees, to find iron and wooden clubs, some with handles. On one of the clubs was written "see you at 19.30", which was said to be the time the night shift starts. Some clubs were found in the office (*chefia*) of head of Block Five, behind a refrigerator.

and another, in the guards' office in Block Four, behind the curtains. Various explanations were given by the authorities: they were broken pieces of furniture, bars used to check the cell bars or bars broken off by the prisoners themselves with a view to using them as weapons during revolts.

36. The Special Rapporteur was later informed of the intention of the Secretary of State in charge of the penitentiary system to divide the *Casa de Detenção* into four units headed by four different directors, who were said to have already been identified, with a view to exercising better control over the inmate population. Furthermore, it is believed that Block Four will soon become a prison hospital.

37. On 26 August, the Special Rapporteur visited one of the three women's penitentiaries of the State of São Paulo, *Prisão Feminina de Tatuapé*, where 446 women were said to be held. The official capacity of the prison was said to be 600, although the Director of Security, who was in charge of the prison at the time of the Special Rapporteur's visit, said that the real limit should be 450. She drew the attention of the Special Rapporteur to the problem of the scarcity of personnel and its security implications. She complained that she had only 20 guards per shift at her disposal because a large number of guards were on sick leave, mostly owing to the harsh working conditions. Most of the guards were said to be women, but some were men, including astonishingly, the son of the General Director. On the day of the visit, there were 15 female and 4 male guards. Only one vehicle was at their disposal to transfer prisoners to court, other prisons or to hospital. Women were said not to be separated according to their age or crime and to work from 7.00 a.m. to 12.00 a.m. and 1.00 p.m. to 5.00 p.m. for a salary of 115 reais per month. According to the detainees, they were in fact receiving only 60 reais. They were held five per cell measuring 8-10 square metres. Each cell contained mattresses and a toilet, the showers being separate from the cells. The cells were clean and detainees had made some basic improvements, such as placing curtains in front of the beds for privacy. The Special Rapporteur visited the infirmary where a detainee who had very recently given birth was held. She believed that her baby was going to be taken from her and that she would not see her child again.

38. The Special Rapporteur visited the punishment cells (*castigo*) of Block Two which were similar to other cells except that there was no toilet. Detainees indicated that they were let out of their cells at the whim of the guards. Some detainees claimed to be "in transit", i.e. transferred, about once a month to a different penitentiary and that their relatives were not informed. In the dirty punishment cells of Block Five, the Special Rapporteur met three women who were sharing two mattresses. A 20-year-old woman had allegedly been beaten by the Director's son, who was said to be a guard and had access to all sections of the prison at any time. Her right shoulder and hand bore marks of beatings (haematomas) consistent with her allegations. She also believed that she was "in transit" since she had been moved from one prison to another every month, which prevented her family visiting her. In another cell, a young detainee refused to speak to the Special Rapporteur for fear of reprisal. She nevertheless indicated to a member of the Special Rapporteur's team that she had been sexually abused by a male prison official whom she identified, but was too fearful to authorize the Special Rapporteur to name.

3. Juvenile detention centres

39. In the State of São Paulo, minors are interned in institutions under the jurisdiction of the State Foundation for the Well-Being of Minors (*Fundação Estadual para o Bem Estar do Menor - FEBEM*) which is responsible for planning and executing detention programmes for juvenile offenders under the supervision of the Secretariat for Social Development Assistance. Some 4,000 minors are interned as, according to the Children's and Adolescents Statute (*Estatuto da Criança e do Adolescente, ECA*), a "socio-educational measure".

40. The Special Rapporteur notes the destruction in October 1999 of the FEBEM institution *Imigrantes* where all juvenile offenders were held and whose conditions of detention, in particular with respect to overcrowding,[2] amounted to cruel, inhuman or degrading treatment or punishment according to reports received prior to the mission. He was shown videos recorded at *Imigrantes* which appeared to confirm reports he had received. Half-naked detainees were severely beaten, some with long wooden sticks, at night in the courtyard of this institution. After the destruction of *Imigrantes*, some minors (around 950 according to a non-governmental study in July 2000) were reportedly transferred to separate units of other prisons, including the Criminological Observation Centre (COC) of Carandiru prison, Santo André and Pinheiros prisons, in violation of the ECA, while others were said to have been transferred to places specifically designed for minors. According to NGOs, reports from the Judicial Technical Division and from the Health Secretariat indicated that the minors' places of detention lack even minimum hygiene. It is also reported that the minors are not separated by age or the nature of their crime, as the ECA requires. According to public prosecutors for children and adolescents (*Promotores de Justiça da Infância e da Juventude da Cidade de São Paulo*), the minors are not given any educational or recreational opportunities. Several legal actions, against these transfers were filed by the department of the Public Prosecutor's Office in charge of applying the ECA in the State of São Paulo, to no avail. Indeed, the São Paulo State Supreme Court overruled, on grounds of public security, lower court injunctions ordering the closure of the FEBEM units. It was explained to the Special Rapporteur that different public prosecutors, i.e. those in charge of filing appeals, have the power to appeal to the Federal Supreme Court against this decision, but were apparently not willing to do so. New FEBEM institutions had nevertheless been opened recently or were planned to be rapidly built in an effort to resolve the situation inherited from the destruction of *Imigrantes*.

41. The Secretary in charge of Social Assistance indicated that since the destruction of *Imigrantes* a programme of building, decentralized (in order for adolescents to be closer to their families) and small (in order to separate adolescents according to their age or the nature of the offence they were suspected of having committed or for which they had been sentenced) facilities had been initiated to supplement the 15 existing units. He recognized that this was a difficult transitional period, often criticized, which required a lot of effort, in particular financial input. The issue of the location of the FEBEM institutions was also raised, as citizens did not want them in their neighbourhoods. At the end of this process, adolescents would be held eight per cell in units of five cells. Each FEBEM complex would have two or three units. A minority of adolescents, the most dangerous, would still have to be sent to prison-type complexes. Within 30 days, the Secretary was planning to deactivate Pinheiros, a prison with no courtyard, as a juvenile detention centre. Franco da Rocha and then Tatuapé were also said to be

on the list of juvenile detention places to be closed down in the near future since they had not been architecturally designed to hold minors. New guards (*monitores*) had reportedly to be hired and trained. Professionalism had been enhanced and was said to remain a primary objective of the FEBEM. But the treatment of juvenile offenders was said to have become a priority for the São Paulo authorities. It was explained to the Special Rapporteur that FEBEM treat juvenile offenders like adolescents rather than delinquents. The Secretary also expressed his hope for more non- or semi-custodial sentences.

42. The Special Rapporteur received information on the "*Unidade de Atendimento Inicial*" of São Paulo, commonly referred to as Braz, where all juvenile offenders are initially taken for screening before being transferred to a FEBEM unit. It was reported that some minors waited for weeks and even months in basic conditions of detention (which were shown to the Special Rapporteur on videotapes) for their sentence to be pronounced. Minors were said to be held half-naked, sitting in complete silence on the bare concrete floor with their hands behind their heads all day long. It was reported that minors are beaten by guards if they break the rule of silence. Beatings and humiliations were said to be common.

43. According to NGOs, three minors were beaten or tortured every day in facilities under the jurisdiction of FEBEM. Revolts and attempted escapes, which were said to be frequent, were reported to lead to excessive use of force, in particular severe beatings with wooden or iron bars and wires, by guards, often wearing masks or hoods, and special units called in to restore order. Beatings were also said to continue as reprisals or punishment during the nights following a revolt. It was believed that these beatings usually took place at night when technical assistants or outside visitors are not present. After revolts, inmates were also said to be locked up in punishment cells, which are built to hold one person, in groups of more than 12 for several days. Relatives of detainees were also said to have been denied access on several occasions, especially after alleged revolts. A large number of the detainees whom the Special Rapporteur met said that most of the time revolts were provoked by guards. It is reported that night-shift guards often arrive drunk or under the influence of drugs and randomly beat detainees. Minors are reportedly made to run through the so-called Polish corridor upon arrival in a new FEBEM detention facility. The Special Rapporteur received from NGOs a chronology of several alleged incidents of abuse since October 1999 in FEBEM institutions, some of which are reproduced in the annex.

44. On 24 August, the Special Rapporteur visited Franco da Rocha, a FEBEM institution situated on the outskirts of São Paulo where some 420 minors were currently detained. This institution, built in early 2000 and architecturally designed as a prison, had only been in operation since July 2000. It is divided into eight wings. Cells are organized around a courtyard where detainees were said by *monitores* to spend most of their time during the day. When the Special Rapporteur visited some of the wings, he noticed that a small number of detainees were indeed playing in the courtyard, but that most were locked in their cells. The Director of Franco da Rocha explained that since the revolt that had taken place on 10 August, some detainees had to be kept locked up 24 hours a day in their cells in order to maintain order and to re-establish the relationship between *monitores* and minors. They were all nevertheless said to be taken to a large room adjacent to the yard for breakfast, lunch and dinner. Detainees indicated to the Special Rapporteur that when the normal regime was applied they were let out of their cells for only half an hour to two hours a day.

45. Next to the infirmary, where only one detainee was being treated at the time of the visit of the Special Rapporteur (see annex), the Special Rapporteur saw four inmates having meetings with so-called technical assistants. The latter are in charge of educational, psychological and legal aid programmes. They indicated to the Special Rapporteur that they were responsible for 70 inmates each and were able to speak with each of them only once a week. The Special Rapporteur nevertheless notes that according to public prosecutors, it was the first time that such activities were carried out in Franco da Rocha. He also notes that during his visit a member of his delegation witnessed a discussion between a technical assistant and the chief of the education programme regarding the fact that the former had been threatened by a *monitor*. According to non-governmental organizations, minors are shifted from one social worker to another all the time and spend so little time with them that no real rehabilitation activities are carried out. Furthermore, it must be noted that after each revolt, a large number of detainees are transferred to other FEBEM institutions.

46. Each cell contained 12 cement beds. At night, detainees were provided with a mattress and blankets. Cells were well ventilated and quite clean. Each contained a separate section, with no door but with two showers, two toilets and three taps. A number of detainees complained about the quality of the food, which appeared to the Special Rapporteur to be poor. No problem of overcrowding was said to exist in Franco da Rocha.

47. As mentioned above, detainees claimed that revolts were usually provoked by beatings from the guards, a claim which was also said to be often heard by public prosecutors and technical assistants. The latter told the Special Rapporteur that *monitores* often explained that "it was a question of knowing who was in charge of the institution, themselves or the inmates". The Director of Franco da Rocha recognized that there was a very tense atmosphere and that conflicts between *monitores* and inmates were frequent. He recognized that security was a difficult matter, but denied all allegations of beatings and of provocation by guards. With respect to the mid-August rebellion, it was reported that the video system in Franco da Rocha had recorded the incident and could well explain a number of pending issues. The Secretary in charge of FEBEM told the Special Rapporteur that the tapes were currently being studied by an internal investigation team.

48. The Special Rapporteur visited four different wings. In each of them, he received consistent testimonies of beatings and was able to see the marks left by these beatings (see annex). A detainee asked the Special Rapporteur to intervene on his behalf to obtain a transfer to any other institutions where, contrary to Franco da Rocha, detainees are beaten "only if we do something wrong". Detainees told the Special Rapporteur the locations of the iron bars and wooden sticks used by guards to beat them. In particular, they were said to be hidden in small rooms overlooking the courtyard on the first floor of the main corridor leading to all the various wings. The Special Rapporteur was able to discover, hidden behind some mattresses and blankets, a large number of iron bars and wooden sticks consistent with those described by the alleged victims. Apparently surprised by the presence of such instruments, the Director of Franco da Rocha explained that they must have been left over from the last revolt and had been hidden by the inmates themselves. The Special Rapporteur nevertheless noted that only *monitores* had access to the rooms where the sticks had been discovered. This was confirmed by the Director, who then said he believed that the sticks had been hidden on purpose by some of

his staff to damage the image of the institution and the rehabilitation programme in which he was engaged. In view of the number of consistent testimonies from detainees in different wings who all said that sticks were to be found in the same place and that most of whom bore marks consistent with their allegations, the Special Rapporteur made it clear that he considered this explanation implausible. The Director finally recognized that he could "not justify the unjustifiable".

49. The last wing he visited was wing G, where the most dangerous inmates from Carandiru prison and those who were going to be transferred to other FEBEM institutions were said to be detained. The Special Rapporteur noticed that there were mattresses in all the cells. Detainees said that mattresses had been brought for the first time on that very day. According to the detainees, they otherwise had to sleep half-naked with dirty blankets on cement beds. The attention of the Special Rapporteur was also drawn to the fact that in at least one cell of this wing, only literally boiling hot water was coming from the shower, making washing impossible. It must be noted that in this wing, the overwhelming majority, if not all of the detainees had visible and mostly recent marks over their entire bodies, including the head, consistent with allegations of beatings with iron bars and wooden sticks. Several asked the Director in the presence of the Special Rapporteur why they were beaten by *monitores* if they did not threaten or attack them. The attacks by between 30 and 50 *monitores*, who most of the time allegedly have their faces covered and are believed to be often drunk or drugged, were said to take place at night and for no reason. Again, some detainees gave information to the Special Rapporteur regarding the place where the sticks used to beat them were kept. The Special Rapporteur was thus able to discover a number of sticks consistent with those described by detainees, hidden under a table and covered with a sheet in the *monitores'* room which, as confirmed by the Director, was only accessible to *monitores* themselves.

50. At the end of his visit, the Special Rapporteur met two minors he had seen the previous day at the office of the public prosecutors for children and adolescent of the City of São Paulo. According to the information received, when they were taken back to Franco da Rocha with six other inmates who had been with them at the public prosecutors' office, a number of *monitores*, as well as some individuals they could not identify as *monitores* working in Franco da Rocha, were waiting for them in the corridor. They were allegedly severely beaten with iron bars and wooden sticks, punched and kicked. They were then reportedly forced to take a cold shower, allegedly to make the marks disappear. During the night, it is alleged that around 30 masked *monitores*, commonly referred by detainees as "ninjas", came into their cells and started to beat everybody indiscriminately with iron bars. Some were then reportedly taken out of their cells to a small dark room for an hour and a half where, hands behind their heads, they were allegedly threatened with being beaten again. At the time of the interview, recent marks of beatings which had not been present the day before when the Special Rapporteur met them at the public prosecutors' office were visible on their bodies, in particular on the back. Questioned by the Special Rapporteur about the marks, the *monitores* indicated that they had certainly been self-inflicted by the detainees when they had learned that the Special Rapporteur was currently visiting the institution. In view of the nature of the marks, in particular haematomas, which clearly had not been self-inflicted during the previous couple of hours, the Special Rapporteur was not convinced by this explanation.

51. As he does at the end of any visit to a place of detention, the Special Rapporteur asked the Director of Franco da Rocha to put in place specific measures to ensure that minors who cooperated with him and his team would not be subjected to any reprisals. In view of the fact that it was believed that the minors with whom he had spoken at the public prosecutors' office had already been subjected to beatings as a form of reprisal for having cooperated with the Special Rapporteur, the latter requested the Director to act with due diligence in this case. It must also be noted that a large number of inmates had refused to be called in by the Special Rapporteur at the end of his tour to be individually and confidentially interviewed, for fear of reprisals. Most noted that in any case they were going to be beaten after the Special Rapporteur's departure for having spoken with him. On 28 August 2000, the Special Rapporteur was informed by public prosecutors for children and adolescents of the City of São Paulo who had accompanied him during his visit to Franco da Rocha that after his departure at least three of the minors he had met had been subjected to intimidation and reprisals, including beatings, by *monitores*, some of whom were said to be wearing hoods. Furthermore, the Special Rapporteur was informed that, since his visit, a large number of minors, mainly detainees in wings G and H which he had visited, had been locked in their cells 24 hours a day. It was reported that the Director, when asked by the public prosecutors to take measures to ensure the right to mental and physical integrity of the minors detained in his institution, indicated that because of the large number of minors under his responsibility, he could not control all of his subordinates. On the same day, the Special Rapporteur sent an urgent appeal to the federal and relevant state authorities.

52. Upon return to Brasilia, the Special Rapporteur was informed by the federal authorities that, following his urgent appeal, the Secretary of State for Human Rights had immediately met the senior officials concerned in São Paulo. By letter dated 5 September 2000 from the Permanent Mission of Brazil to the United Nations Office at Geneva, the Government indicated that it was deeply concerned about such reports and was fully committed to their immediate clarification. The State Secretary in Charge of Social Development indicated in a subsequent written communication to the Special Rapporteur that an administrative inquiry had been opened. Two minors were taken to the Forensic Medical Institute which concluded that they had not been beaten. Furthermore, the Director of Franco da Rocha is reported to have categorically denied the allegations and to have stated that the adolescents interviewed by the Special Rapporteur and the public prosecutors were the ones who had organized the 10 August revolt. The Special Rapporteur was later informed that, at the public prosecutors' request, the minors concerned had been transferred to another FEBEM institution from which, on the night of their arrival, they had escaped after having taken some guards as hostages. Another inquiry was opened into these events. Finally, the Secretary indicated that the Director had been misinterpreted when he was reported to have indicated that he did not have control over all of his subordinates. This incident is the subject of direct follow-up with the Government.

53. Finally, the Special Rapporteur met the President of the FEBEM Workers' Union (*Sindicato dos Trabalhadores de Entidades di Assistencia ao Menor e a Familia do Estado de São Paulo*), who explained that the Union had been warning FEBEM authorities about the explosive situation in Franco da Rocha for several months owing to the fact that the facility had not been designed as a re-education facility but as a prison, and that there were too many detainees being held there, especially in comparison with the number of *monitores* and technical

assistants. He believed that petty offenders and drug addicts should not be put there. The President drew the attention of the Special Rapporteur to the fact that owing to the very harsh conditions of work in FEBEM institutions, such as duty shifts of more than 24 hours and a high level of stress, in particular during revolts or attempted escapes, a large number of staff - more than 300 - were on sick leave for depression and other psychological reasons and had not been replaced. It was also recognized that some were on unjustified sick leave for long periods. Staff on sick leave were also said to be under pressure to go back on duty after a certain period if they did not want to lose 50 per cent of their salary. He nevertheless expressed his commitment to rehabilitation programmes and hoped that they could actually be implemented under good conditions. According to the President, most of the revolts are foreseen by *monitores* who accordingly inform FEBEM authorities who are believed not to heed their warnings.

C. State of Rio de Janeiro

1. Police stations

54. On 31 August, the Special Rapporteur visited the first *delegacia legal* to have been opened in the State of Rio de Janeiro in March 1999. *Delegacia legais* are part of a widespread project of building police stations designed to be transparent to outside monitoring. The Special Rapporteur considered this to be a most positive initiative. He nevertheless noted that the 1.5-square-metre cell, in which people were said to stay only for a few hours, lacked light. The absence of light was justified by security reasons. Nobody was said to have been detained in this particular police station for more than 24 hours. Four such police stations were said to be currently operating in the city of Rio de Janeiro and three in the State of Rio de Janeiro. According to the Governor, by the end of 2000, 40 others were expected to be operational and by the end of the present administration's term in 2002, all police stations would be of this sort.

55. On the same day, the Special Rapporteur visited the 54th District Police station, from which all detainees had been transferred on 15 August to either Bangu penitentiary or the 64th District Police station, as the 54th precinct was converted into a *delegacia legal*. In the 64th District Police station, 272 persons were detained at the time of the visit of the Special Rapporteur, whereas the official capacity was said to be 150. Detainees were said to be let out of their cells during the day and spent most of their time in a small courtyard with little natural light. Fifty-seven persons were detained in a very hot, smelly and dirty cell measuring approximately 30 square metres. A few mattresses were lying on the floor. A hole was used as the toilet and the shower. The Special Rapporteur noted that the prisoners were unevenly distributed among the cells. Detainees explained that they had to pay the guards to be put in a less-crowded cell. The *delegada* justified the actual distribution by the fact that detainees had to be divided according to the (criminal) gang to which they belonged in order to avoid inmate-on-inmate violence. The Special Rapporteur noted that during the day all detainees were supposed to be together in the courtyard and that no fights had erupted. The *delegada* then complained about the overcrowding she was made to face because of the lack of places in penitentiaries. She nevertheless also recognized that she had never entered the lock-up.

56. Most of the detainees complained of beatings at the time of arrest and during preliminary interrogation, when asked to sign a confession. A large number of them alleged that they had been beaten by police officers in both this police station and the 64th police station, from which

a large number had come (see annex). A number of the complaints also concerned the trustees who were said to be provided by the guards with iron bars and wooden sticks or clubs and maintained order by beating other inmates. The detainees indicated that the sticks were kept by the trustees in their cells which were located at the entrance to the lock-up, in front of the guards' office. These two cells were very clean and well furnished with mattresses and cookers, as well as other personal items. Hidden under one of the beds, the Special Rapporteur discovered a rubber club and two wooden nightsticks with handles, as well as some iron bars. Interrogated, the chief of the lock-up indicated that the trustees used the iron bars to check the solidity of the cell bars. No explanation was given regarding the presence of the three clubs. The *delegada* assured the Special Rapporteur that she would take the necessary measures and would investigate the behaviour of the head of the lock-up.

2. A pre-trial detention facility

57. On 30 August, the Special Rapporteur visited the *casa de custodia Muniz Sodré*, one of the provisional detention centres of the Bangu penitentiary complex. At that time, 1,577 detainees were held in the 24 cells built to hold 62 persons each, i.e. a total of 1,488 detainees. The facility is divided into two large blocks containing 12 cells each. According to the Director, while Muniz Sodré is a pre-trial detention centre, around 40 per cent of the inmates were actually serving sentences, which in most of the cases were being appealed, and should therefore have been transferred to other facilities. In view of the overcrowding throughout the state, the Director indicated that it was not possible to know when such transfers would take place. He nevertheless assured the Special Rapporteur that convicted prisoners were separated from pre-trial detainees.

58. The Director indicated that detainees were let out of their cells four hours a day in shifts; this was later refuted by detainees interviewed by the Special Rapporteur. Detainees claimed that they were only let out of their cells once a week for two hours when visitors came. Cells were clean and well lighted and ventilated. Toilets and showers were separated from the main part of the cell. In one of the cells visited, 68 prisoners were held which meant that six prisoners had to sleep on the floor. All prisoners nevertheless had their own mattress and blankets.

59. The Special Rapporteur visited the punishment cells where, according to the registry, eight detainees were currently held. Eight detainees, half-naked, were in fact detained in very basic conditions. Most said that they had been punished for having fought with other detainees and some complained of having been beaten by prison guards when they were transferred to the punishment cells. All agreed that a dozen detainees, who were believed to be in bad condition from the beatings to which they had allegedly been subjected after an attempted escape, had recently been removed from the punishment cells.

60. The Special Rapporteur then visited the cells from which the detainees being punished were said to have come. Their co-inmates said that on 28 August their cell had been searched after an attempted escape during the night of 26/27 August. They did not know why they had been targeted, as the escape attempt was from another cell. After the search, some detainees complained that personal items had disappeared. It is believed that because of these complaints, they were allegedly taken, through the so-called Polish corridor, to the courtyard where they

were severely beaten by some 50 prison guards along with members of special forces of the police using wooden clubs and iron bars, some with wires tied around them, for five or six hours. The Director and Subdirector in charge of security were said to have participated in the beatings. One detainee had been seriously wounded. On the same day, he had to appear in front of a judge, who was believed to have ordered him transferred to a hospital. The 70 detainees in the cell all bore visible and recent marks (bruises, haematomas and scratches on various parts of the body) consistent with their allegations. They claimed that five detainees, who were said to be in bad shape and whose names were given to the Special Rapporteur, had been taken out of the cell just before the Special Rapporteur arrived. The guards said that the detainees had been taken to the Forensic Medical Institute, but would be brought back to Muniz Sodré the same night if vehicles were available. The Special Rapporteur waited for several hours but the detainees did not appear. The Director assured him that the five detainees would be brought back.

61. That night, the five detainees (Jailson Thaumaturgo da Rocha Junior, Alexandre Arantes, Flavio Ailton da Silva, Paulo Sergio Souza de Oliveira and Roberto da Costa Santiago) were individually interviewed by the Special Rapporteur. They confirmed the allegations made by their co-inmates. They also confirmed that they had been examined by doctors of the IML in the absence of any guards. All had severe injuries, some of which had required stitches, and large bruises (see annex). Finally, they confirmed that the one whom they believed had been the most seriously injured had been taken to court, from which he was said to have been sent directly to hospital. The Special Rapporteur asked the Director to find out where this detainee was currently held. After about an hour, the Director indicated that he had been transferred to Vieira Ferreira Neto penitentiary. According to the Director, this detainee had been taken there because he would otherwise have been subjected to violence from other inmates. Because of the testimonies he received from his co-inmates, who were extremely worried about his whereabouts and well-being, the Special Rapporteur does not think that this was a plausible explanation of his transfer to another detention facility. In Vieira Ferreira Neto penitentiary, the Special Rapporteur was able to interview Alexandre Madado Pascoal (see annex), who appeared to be extremely weak and to suffer intense pain. He confirmed having been brought to the prison that night, around midnight. With the diligent help of the officer-in-charge of Vieira Ferreira Neto, Alexandre Madado Pascoal was taken on a stretcher to a medical unit, where a doctor, shocked, ordered his transfer to hospital. Informed of the situation by the Secretary of State for Justice, the Assistant-Secretary for Human Rights and the Head of Security for the Penitentiary System joined the Special Rapporteur at 2.00 a.m. and recorded the testimonies of Alexandre Madado Pascoal. They assured him that he would receive proper medical treatment and be protected against reprisals. The Special Rapporteur was also informed at that time that the Secretary for Justice had already decided to remove the Director of Muniz Sodré and his head of security, pending investigation. The Special Rapporteur specifically asked the authorities to take the necessary measures, including the opening of a criminal investigation into allegations of torture. This incident is the subject of direct follow-up with the Government.

3. A pre-trial juvenile detention centre

62. Juvenile offenders in the State of Rio de Janeiro are held in institutions under the jurisdiction of the Secretariat of Justice and, more specifically, Departamento Geral de Ações Socio-Educativas - DEGASE (General Department for Socio-Educational Measures).

At the invitation of the authorities, the Special Rapporteur visited on 29 August the Instituto Padre Severino where 193 minors, aged 14-18, were detained in a facility with an official capacity of 160. The Director said that there were only seven guards per shift which, he pointed out, made keeping order difficult. The majority of the minors held in this institution were said to be awaiting trial or sentencing. *Padre Severino* is supposed to be a pre-trial juvenile detention centre and to be used as a place where minors are detained up to 45 days (see below) before being transferred to other DEGASE institutions, if necessary. The Director nevertheless recognized that 40 per cent of the detainees were actually serving sentences. The Director said that 90 per cent of the minors held at that time had access to education, at the same time admitting that only sentenced juveniles had access to educational and recreational activities. During his visit, the Special Rapporteur saw some youths taking lessons in different classrooms while three were working on sewing machines in a workshop. According to non-governmental organizations which visit juvenile detention centres on a regular basis, and as later confirmed by the minors interviewed, this was the very first time that such classes were taking place in *Padre Severino*.

63. Cells are divided between two wings separated by a large courtyard in which minors were playing at the time of the visit of the Special Rapporteur. The cells all contained cement beds. In some cells, all the beds were covered with thin foam mattresses while in other cells most beds did not have a mattress. The Director assured the Special Rapporteur that all detainees, even the 33 who have to sleep on the floor because of the overcrowding, had a mattress at night. Detainees confirmed that only a small number of them did not have mattresses. A few dirty blankets were also shown to the Special Rapporteur. Toilets and showers were generally separated from the dormitory by a wall. All the cells had recently been cleaned (according to detainees, they were cleaned once a week), but in some, there was a strong smell from the toilets. The water system, including the flushing of the toilets, was said to be controlled from outside the cells by guards. Cells did not contain any light since, as was explained by the Director, the inmates used the sockets to light cigarettes, which was potentially dangerous. All cells were well ventilated by numerous openings in the walls. Detainees complained that at night, cells could sometimes become very cold but it was forbidden to plug the openings, for example with newspapers. One minor had allegedly been slapped on the face and grabbed by the neck by a guard as punishment for having tried to plug up the openings a few nights before the visit of the Special Rapporteur. At the time of the interview (29 August), marks, in particular a haematoma the size of a hand, as well as some scratches on the neck, consistent with his allegations were still visible on the face of the minor concerned.

64. Minors were said to be in the yard most of the day, from 5.00 a.m. to 6.00 p.m.. Only visits from their parents were said to be allowed, on Sundays. A number of the older youths complained about the fact that their wives and children were not allowed to visit them. A large number of the minors complained of having been beaten and slapped on the face by guards, allegedly because of attempted escape, fights between inmates or non-respect of the internal disciplinary rules, in particular the rule of silence at night which was said to include a prohibition on using the toilet. It was alleged that guards often asked them on which parts of the body they would prefer to be beaten. Some still bore marks, mainly haematomas on the head/face, shoulders and back, and also more serious injuries, such as open wounds, consistent with their allegations (see annex). Some were said to have recently been threatened with a gun by some of

the night-shift guards. According to the information received, some children had spent up to two months in the punishment cells in which they were said to be locked 24 hours a day. They had to share a mattress with one or two other detainees.

D. State of Minas Gerais

1. Police stations

65. On 3 September, the Special Rapporteur visited the police lock-up of the station in charge of theft and robbery cases in Belo Horizonte, in which 280 persons were currently held in 21 cells. They were said to be kept 24 hours a day in their cells. Once a month they were taken, after having been stripped naked and forced during the walk to keep their mouths wide open, for a sunbath in the courtyard while the cells were searched and sprayed with water, soaking all the prisoners' personal items, in particular blankets. Cells were allegedly searched on other occasions as well, up to twice a week. The *delegado* explained to the Special Rapporteur that this was considered to be necessary in view of the large number of attempted escapes and violent incidents occurring in this police lock-up. Every fortnight, detainees were reported to be allowed to receive visits for one hour, but only their parents were said to be authorized to visit them. No mattresses were present in the cells and detainees were thus sleeping on the bare concrete floor with dirty blankets that, according to them, they were not allowed to wash. At the back of each cell, a hole used both as a toilet and a shower was separated from the main part of the cell by sheets put up by the detainees themselves. Only cold water was said to be running from the basic tap used for the shower. The *delegado* was the first to complain about the rather bad conditions of detention and regretted that material and personnel resources had to be used for the lock-up rather than for criminal investigation activities, the primary function of the civil police.

66. Up to 18 persons were detained in one cell measuring approximately 20 square metres. Most of the detainees had already been sentenced. They explained to the Special Rapporteur that in order to be transferred to a prison, where conditions of detention were believed to be better, a certain amount of money (up to 3,000 reais) had to be paid to the head of the police lock-up. The *delegado* indicated that the Superintendent of the Penitentiary Organization was responsible for the transfers that were, however, made on his recommendation as head of the *delegacia*. Quite a number of detainees appeared to the Special Rapporteur to be in need of urgent medical attention and their cases were referred to the *delegado* who indicated that the necessary measures would be taken immediately. Finally, it must be noted that most of the detainees indicated that they had been beaten at the time of arrest and/or during interrogation (see annex).

67. On 4 September, the Special Rapporteur visited the police station in charge of car thefts (called DETRAN). Forty-two detainees were detained in five cells. The *delegado* recognized that conditions were poor. In particular, the detainees could not be let out of their cells owing to the absence of a courtyard. Up to nine persons were detained in a cell of approximately 12 square metres and were sleeping on the bare concrete floor. A hole was used both as a shower and a toilet and was separated from the main part of the cell by plastic sheets put up by the detainees. The *delegado* indicated that 30 per cent of the persons held there had

already been sentenced. The Special Rapporteur notes that a number of detainees refused to speak for fear of reprisals while a few made allegations of beatings during interrogation in order to extract confessions.

68. On the same day, the Special Rapporteur visited the women's lock-up of the main police station, the Department of Investigation, of Belo Horizonte. It is believed that this is the only police lock-up for women in the city. Eight clean cells held 104 women at that time. Most of them had already been sentenced and expressed the hope to be transferred soon to a penitentiary. A few complained of torture, including sexual violence, to which they had allegedly been subjected at the time of arrest or during initial interrogation (see annex), and most acknowledged being well-treated by police officials, including male police officers who were sometimes in charge of the lock-up. Most of the complaints regarded the slow pace of the judicial process.

2. A prison

69. On 3 September, the Special Rapporteur visited Nelson Hungria prison which appeared to the Special Rapporteur to be a relatively modern prison composed of 12 blocks in which prisoners were held in 6-square-metre individual cells. Each cell contained a shower and a toilet. Cells were clean and contained a mattress and personal items, such as televisions and water heaters. The official capacity is 721 prisoners, but only 701 prisoners were said currently to be held. All but five detainees, who were said to have refused, were working during the day. This was the only establishment in which detainees did not complain about the quality of the food. The officer-in-charge of the prison at that time, i.e. the Director of Re-education and Resocialization, explained to the Special Rapporteur that a hospital wing had been built but had never been opened for lack of medical staff. A medical doctor and a volunteer nurse were only available to perform the initial check-up and to recommend transfer to hospitals, if necessary.

70. The Director of Re-education and Resocialization explained to the Special Rapporteur that all complaints of ill-treatment from detainees are the object of an internal inquiry assigned by the Director-General of the prison to one of his subdirectors, i.e. of re-education and resocialization, of security or of association and security. He further explained that when a medical report was needed, the alleged victim had first to be taken to a police station where a form had to be filled out before any detainee could be taken to the Forensic Medical Institute. He indicated that for the last five and a half years, there had been 47 guards under internal investigation. Only 10 had been found guilty and dismissed by the Superintendent of the Penitentiary Organization. No information was available regarding the opening of criminal proceedings against these agents.

71. A thirteenth block was used as a Criminological Observation Centre (COC), where recent prisoners were said to be taken first for observation for up to 30 days during which they were reported to undergo several psychological, medical and sociological tests. It was also explained to the Special Rapporteur that during this period the Director-General of the prison meets each prisoner individually to explain the internal disciplinary rules. Prisoners detained at the time of the visit in the COC indicated that they had not yet been examined by anybody, while some said they had already spent more than a fortnight in the COC. They were expecting to be transferred to a normal block as soon as cells became free. Some prisoners held in the COC complained about having been seriously beaten in the corridor of the block upon first arrival at night. They

had allegedly been made to line up against the wall and were kicked and beaten on the ribs and back with wooden sticks and hoes for some 15 minutes. This is said to have happened for several nights. According to the information received, they were also threatened with burial in a clandestine cemetery. Detainees believed that only one night team of guards was responsible for such beatings.

72. At the end of the visit, the Special Rapporteur met with prison guards. While they recognized that not all of them were committed to their jobs, they complained about a lack of training and the workload. Two thirds of the prison personnel were reported to be hired on a temporary basis (administrative contracts) and were said not to receive any training at all. They were said to be working 12 hours and resting the following 24 hours. They finally pointed out the high level of stress they were exposed to, which was recognized to have led to a certain level of aggressiveness towards the detainee population and to psychological problems amongst some of the staff.

E. State of Pernambuco

1. Police stations

73. On 6 September, the Special Rapporteur visited the 16th District Police station of Ibura (Recife) where no suspect was currently interrogated or held despite the fact that this neighbourhood was considered a high crime area. The *delegado* explained that even on weekdays only two or three people were brought to the police station per day. The *delegado* was nevertheless unable to specify the average period of time a person is held at the station. The Special Rapporteur noted the deplorable conditions of work of the police personnel. The roof of one of the offices was falling apart; criminal files were piling up on tables because of the absence of filing cabinets; the rest room for police officers was filthy and lacked basic comfort. In one of the offices, where interrogations are supposed to take place, the Special Rapporteur found wooden sticks as well as a *palmatoria*. The *delegado* said that they had not been used for a very long time. The *palmatoria* and the sticks were indeed covered with dust. The lock-up was composed of two cells measuring approximately 3 square metres, very dirty and smelly with, in a corner, a hole full of excrement. According to information later received, the *delegado* had been removed from office pending investigation regarding the *palmatoria* and the lack of proper recording.

74. The Special Rapporteur then visited the 15th District Police station of Cavaleiro (Recife) where no suspect was currently held. Again, the conditions of work appeared to the Special Rapporteur to be poor. An investigator drew the attention of the Special Rapporteur to the lack of elementary material resources, such as paper, typewriters and filing cabinets. He further noted that despite the fact that shootings were very common in the area under the jurisdiction of this police station, police officers had not been provided with bulletproof jackets. For his security, the investigator had bought one with his own money. He also pointed out that in a violent crime area he had had to purchase his own weapon and indicated that there was no rule requiring him to file a report when he discharges it. The lock-up consisted of two completely dark cells measuring approximately 2 square metres with, in a corner, a hole used as a toilet. They were located at the end of a small corridor without light. The *delegado* indicated that nobody was

held in these cells for more than three hours. In the investigators' room, the Special Rapporteur discovered some iron bars which were said by the authorities to be evidence. The Special Rapporteur noted that they were nevertheless not tagged and therefore did not believe this explanation was plausible. The Special Rapporteur confirmed information he had gotten at the previous police station, i.e. that there is no standard registry book in which all the information regarding a case is recorded, in particular when a person is brought in and let out or transferred to another establishment.

75. Finally, the Special Rapporteur visited the 1st District Police station in charge of theft and robbery, where no suspect was currently being interrogated or held. The lock-up was composed of two pitch-dark large cells. The *delegado* indicated that people were usually detained only for a few hours. Later, after the Special Rapporteur had consulted the registry book, the *delegado* admitted that a group of persons had recently been held in this police station for eight days before it was possible to transfer them on remand to a penitentiary in another state. At the back of this police station, there were 12 large pitch-dark cells measuring approximately 15 square metres. They were said not to have been used for a very long time. The presence of dust and spiderwebs seemed to confirm this. To explain the absence of any person under police arrest, the *delegado* showed the Special Rapporteur a registry book indicating that there were only between 10 and 25 persons arrested per month. Since the beginning of September, only four persons had been arrested and brought to the police station. According to the *delegado*, most of the people held there were arrested under a judicial warrant; only 40 per cent were believed to be held after having been arrested in flagrante delicto. Non-governmental organizations were surprised that the Special Rapporteur did not see anybody under arrest or being interrogated during his visit to the three police stations, which were believed to be located in high crime neighbourhoods. They were inclined to believe that the small number of persons recorded in the registry books shown to the Special Rapporteur was due to improper recording of arrests and detentions.

2. A prison

76. On 7 September, the Special Rapporteur visited Anibal Bruno Praesido where 2,971 detainees were held whereas the official capacity of this penitentiary was said by the authorities to be 524. The overcrowding problem was recognized to be the most difficult one that the institution had to face, and was accentuated by the fact that, at any time, the Director had only 15 military police officers and 8 prison officers at his disposal to ensure order and the security of this vast prison. Furthermore, he pointed out that military police officers assigned to penitentiaries receive only one week of training, in which NGOs were said to participate. Understaffing was also given as an explanation for letting prisoners out of their cells for only a few hours every day. The Director informed the Special Rapporteur that since his appointment in April 2000, there had been no revolts. A number of measures had been taken to diminish the tension and to maintain calm and order amongst the detainee population, such as allowing families to spend one night every fortnight with their incarcerated relatives. Psychologists, social workers, lawyers, doctors and nurses were said to visit the prison on a regular basis and to undertake various activities with the prisoners, some of whom were also working in small units which had been set up in collaboration with the private sector. Nevertheless, responding to a question of the Special Rapporteur, the Director acknowledged that, for example, during the

previous week, no doctor had visited the prison. The only reason he could offer was that there was a lack of commitment on the part of a number of professionals working with prisoners' issues. The Director said that prisoners were separated according to the crimes they had been sentenced for.

77. The Special Rapporteur sought further information about allegations that were contained in a recent report by the community council after a visit on 11 July during which two detainees complained of having been beaten and who bore marks consistent with their allegations. With respect to complaints of ill-treatment from detainees, the Director first explained that alleged victims are immediately referred to a Forensic Medical Institute for a medical certificate. With respect to this particular case, the Director said that a note had been sent to the commander of the battalion to which the two allegedly responsible officers belonged. Hearings were said to have been scheduled to decide whether the *corregedor* of the Secretariat of Justice would lead the internal investigation, as the Director himself had suggested. Because of the understaffing problem, the two suspected officers were still on duty in the very same block where the two alleged victims were currently held. The Director nevertheless indicated that they were used only as auxiliary staff and no longer had any direct contacts with the prisoners.

78. The Special Rapporteur first visited the punishment cells. Fifteen detainees were held in a large cell containing only a mattress and a few blankets. All, except one, had been punished for 20-30 days. The Special Rapporteur noted that the punishment book indicated only 13 prisoners in this cell. While one had been brought in only a few minutes before the Special Rapporteur's visit, another had allegedly been there for two days. The Director explained that the decision to punish this detainee, which had been taken by the cell block's head of the security, had not yet been confirmed by himself. Nine other prisoners were held in two special isolation punishment cells, which contained beds, mattresses, blankets and other personal items such as fans. They said that their wives were allowed to visit them but complained about the lack of privacy on such occasions. They were segregated reportedly because they were considered to be highly dangerous. According to the Director, any decision to punish a prisoner must be preceded by an investigation during which the prisoner is nevertheless not given an opportunity to defend himself. For the defence, only the prisoner in charge of the surveillance of the block is heard. Most, if not all, the detainees the Special Rapporteur met in the three punishment cells had thus never been interrogated and did not know the stage of the procedure according to which they had been punished. They also did not know how many days they had been punished for. One was said to have spent more than three months in a punishment cell. Most of them complained of having been beaten before being brought to the punishment cell, in particular by officers of the military police (see annex). Some said that they had signed a statement admitting that they had violated internal prison rules, out of fear of being beaten or being sent to the block where members of (criminal) enemy gangs were held. Threats by guards to expose a prisoner to inmate violence by placing him in a cell with his so-called enemies were reportedly common in this prison. Some of the prisoners believed that such violence had resulted in deaths in the past. According to information later received by the Special Rapporteur from reliable NGOs, some of these prisoners were subjected to reprisals, including beatings, at the time the Special Rapporteur was visiting other wings of the establishment (see annex). This incident is the subject of direct follow-up with the Government.

79. The Special Rapporteur then visited the large screening cell (*triagem*), measuring approximately 35 square metres, in which detainees recently transferred to the prison are held before being assigned in accordance with the crimes they had been sentenced for and a psychological portrait. Thirty-one detainees were currently held there, with no mattresses or blankets. Most of them had already been there for three or four days and they believed they would remain until 100 prisoners had been brought in. The Director explained that detainees were held in the block for eight days, time to undergo medical, psychological and other so-called technical examinations. Most, if not all, of the detainees were afraid to speak to the Special Rapporteur because of potential reprisals. It was alleged that, before his visit, the prisoners had been warned by guards not to speak to the Special Rapporteur. Some nevertheless said that they had been beaten upon arrival in Anibal Bruno prison or during the technical examinations (see annex). The latter were also said to be humiliating.

F. State of Pará

1. A police station

80. On 9 September, the Special Rapporteur visited the police station of Guama (Maraba). The *delegados*-in-charge drew his attention to their conditions of work. For example, they were working shifts of more than 14 hours on weekdays and 24 hours on weekends. Material and personnel resources were said to be scarce. In the depository room and the toilet, as well as in the *delegados*' office, the Special Rapporteur discovered a number of wooden sticks, including some billiard cues, which were said to be evidence. The Special Rapporteur nevertheless noted that they were not kept in the relevant rooms and did not bear any tag, which led him to find this explanation implausible. In the lock-up, three persons, Fabio Tavares da Silva, Rilton de Silva Soares and Amadeu Almeida Pemental, were detained. They had allegedly been severely beaten at the time of arrest and upon arrival at the police station, and one of them was still in his underwear since he had been arrested at home in the middle of the night and had not been allowed to take clothes with him (see annex).

2. Pre-trial detention facilities

81. On the same day, the Special Rapporteur visited the pre-trial detention centre (*seccional urbana*) of São Braz, where some 80 persons were currently held in five cells in poor condition. While located in a police station, the cells were said to be guarded by officers from the penitentiary system as they were meant for detainees pending trial and therefore under the jurisdiction of the State Secretariat for Justice. Each cell, measuring approximately 14 square metres, held 16 persons. Detainees were sleeping on the bare concrete floor with no mattresses and very few blankets. Personal belongings brought, for example, by their relatives were said to be kept by the guards. Some detainees said that they had had to pay guards to receive personal items, such as toothpaste or soap, brought by their families in order to get them.

82. According to the testimonies, the detainees were never let out of their cells, except when their lawyer or relatives visited. The Special Rapporteur noted that the skin of most of the detainees was indeed very pale. The officer-in-charge of the lock-up confirmed that the infrastructure did not allow direct exposure to natural light for detainees, despite the fact that

there was a small and dirty courtyard open to the sky. The food, provided once a day by the penitentiary system, appeared to the Special Rapporteur to be poor and even rotten. Detainees said that their relatives were normally allowed to give them food, without being allowed to see them.

83. Most of the persons held in pre-trial detention did not know the status of the legal proceedings against them. Most had not seen any magistrate since their arrest. Some had been held in pre-trial detention for up to 15 months. According to the information received from detainees held in different cells, every person who is brought to the jail is first detained in the punishment cell, called the "*forte*", which is located at the entrance to the jail and which measured approximately 3 square metres. When the Special Rapporteur visited the *forte*, he saw in a corner a hole used as a toilet that was full of excrement. It was alleged that up to 20 persons are detained in this cell for up to 10 days, and that some were held in the overcrowded cell for up to 30 days. It was reported that detainees were using the water from the toilet as drinking water.

84. Amongst the persons interviewed by the Special Rapporteur (see annex), three detainees said that they had recently been arrested by military police officers and beaten with a *palmatoria*. At that time, marks consistent with their allegation, such as a round haematoma on the upper left leg of José Ricardo Vianna Gomez, haematomas on Marcio Furtado Correia Paiva's upper left arm and an inflamed and swollen scar 1-2 centimetres long on his head, and marks on Valdi Aleixo Barata's right back, shoulder and arm, were still visible. On the same day, the Special Rapporteur found a *palmatoria* with a hole in the middle in the Tierra Firma military police box, on which was inscribed "*Tiazinha, chega-te a mim*" (Snuggle up to me) and "*Agora me dan medo*" (Now I am afraid), consistent with the one described by the above-mentioned persons.

85. On 10 September, the Special Rapporteur visited the pre-trial detention centre (*superintendency*) of Marabá located in the same building as the Police Headquarters. Seventy-four persons were currently detained in 14 cells grouped around a large courtyard open to the sky. Only a few mattresses were in each cell, most of the detainees having to sleep on blankets or on the bare concrete floor. Detainees complained about the quality of the food which, as in other places visited by the Special Rapporteur, was composed of rice and pasta and which appeared to the Special Rapporteur to be poor and often rotten. They were reported to receive this meal once a day for lunch, and to receive coffee and bread for breakfast and diner.

86. Prisoners were said to be let out of their cells two hours a day, but, according to detainees, they were only let out every other day for two hours. A large number of them complained about torture and other forms of ill-treatment at the time of arrest by both military and civil police officers and during interrogation (see annex), but all recognized that, since the appointment of the new Director, the treatment had greatly improved. Beatings by prison guards had stopped. Furthermore, the Director affirmed that a person detained under his responsibility could only be taken away by a police investigator with a judicial order.

87. The Special Rapporteur then visited the lock-up of the Police Headquarters. Four persons were held in the courtyard, while a minor was held in each of the two cells. While the courtyard was clean and well ventilated, the air in the two cells was foul and humid. The two cells were pitch black and had no mattresses. The two minors had had a fight the previous night.

One had seriously injured the other by driving a toothbrush into the neck and stomach of the other, who had subsequently received medical treatment. Nevertheless, his dressings were oozing and it was thought that the pain-killers given to him by the doctor had been kept by the civil police officer who had accompanied him. The two minors had spent more than three months in the dark cells where, because of sanitation problems, they had had to relieve themselves in plastic bottles or bags for the 15 days preceding the visit of the Special Rapporteur.

88. According to NGOs and some public prosecutors whom the Special Rapporteur met in Marabá, police violence is a major problem in the region as in other remote rural regions of the country. Geographically distant from the judicial system, the civil police were said to assume both police and judicial functions at the same time; public prosecutors and judges relied entirely on the police inquiries without questioning the ways in which they are conducted. With respect to the land movement, the conflict between landowners, who are reported often to be public security or judicial officials, and workers has allegedly been very violent, including a large number of cases of extralegal executions and torture. It was alleged that the civil and military police forces were acting as the private militias of landowners. The response from the capital was said to have been inadequate and the judicial authorities are believed not to have assumed their normal responsibilities.

II. PROTECTION OF DETAINEES AGAINST TORTURE

89. The norms of criminal procedure and execution of penal sanctions in Brazil are determined mainly in federal legislation, such as the Penal Code (Decree-Law No. 2,848, of 7 December 1940), the Code of Criminal Procedure (Decree-Law No. 3,689 of 30 October 1941) and the Law on the Execution of Sentences (*Lei de Execução Penal*, LEP - Decree-Law No. 7,210 of 11 July 1984), which are applicable to the whole territory of Brazil.[3] States carry the complete responsibility for the operational activities relating to the police and places of detention, as well as the enforcement of judicial sentences. Legal experts and human rights activists stressed that in spite of the fact that protection afforded to criminal suspects and detainees by domestic law is advanced and comprehensive, in many cases, relevant legal norms are not applied in practice.

90. The Special Rapporteur notes that he was given contradictory or inconsistent versions regarding various legal provisions, especially regarding those related to arrest and provisional (pre-trial) detention by his official interlocutors, including from the judiciary. This seems to support allegations by both detainees and representatives of civil society that guarantees established by law are not respected in practice, at least in view of the fact that they are not known by those supposed to implement them. In that respect, NGOs and some officials, in particular the State Secretariat for Justice of Rio de Janeiro, stressed the need for training for police officers and prison guards not only in human rights but also in investigative and security techniques.

91. The state police is divided into two autonomous police forces, the civil and the military police,[4] which are both under the control of the state governor. The responsibility for dealing with the vast majority of criminal activity has been assigned to the civil police, on whom it is

incumbent to "exercise the functions of judicial police and to determine criminal offences, except for military ones".[5] The military police, a uniformed force defined as an "auxiliary force of the army", is charged with carrying out the functions of public policing, including guarding the external security of prisons, and with preserving public order.[6]

A. Arrest

92. The Constitution of the Federative Republic of Brazil of 5 October 1988 provides that "no one shall be arrested unless in flagrante delicto or by a written and justified order of a competent judicial authority (...)"[7] and that "the arrest of any person, as well as the place where he/she is being held, shall be immediately informed to the competent judge and to his/her family or to the person indicated by him/her."[8] In case of arrest in flagrante, the jurisprudence is said to have established that a period of up to 24 hours' detention before a provisional detention warrant is issued by a judge is a reasonable one. It must be noted that article 310 of the Criminal Procedure Code provides that the judge shall hear the public prosecutor on the arrest. According to the information received, in practice, judges and public prosecutors are informed by the police of any arrest through a written communication. There is no legal provision which ensures that a person under arrest is seen by either a magistrate or a public prosecutor within the first hours of his/her detention. The Special Rapporteur nevertheless notes that many, including public, prosecutors believed that a person arrested in flagrante must be brought before a judge within 24 hours of his/her arrest. It was also reported that under the current law, unless the arrest is done in flagrante, a public prosecutor will be informed of an arrest only some 30 days later. The Constitution provides the right to habeas corpus when a person "suffers or runs the risk of suffering violence or coercion against his/her freedom of movement, due to illegal actions or abuse of power."[9] Anyone has *locus standi* to file a petition of habeas corpus in one's own defence, or to defend anyone else.

93. As the military police have the constitutional competence for public policing, arrests in flagrante are usually carried out by the military police, although the civil police were also reported sometimes to act in such occasions.[10] Arresting officers are required to bring the suspect directly to a police precinct (*delegacia*), where the processing takes place. Precincts are run by the civil police and headed by a *delegado*, who is required by law to hold a law degree. At this point, the military police have no further participation in the related criminal investigation. The Constitution provides that "the arrested individual shall be informed of his/her rights ... and shall be ensured of assistance by his/her family and a lawyer".[11] There appears nevertheless to be no specific legal provision regarding the period of time after which a person detained has access to a lawyer.

94. With respect to legal assistance, article 5 (LXXIV) of the Constitution provides that "the State shall provide full and free of charge legal assistance to all who prove insufficiency of funds". It is believed by NGOs and lawyers whom the Special Rapporteur met that 95 per cent of detainees are eligible for such assistance. The Public Defender's Office (*Defensoria Pública*) is charged with providing legal assistance to persons of limited resources, who are believed to be the overwhelming majority of persons under arrest.[12] Nonetheless, in many states, such offices have not been established and almost everywhere they exist they are said to be understaffed. As a result, other bodies, such as the Public Prosecutor's Office of São Paulo, provide legal services to criminal defendants. In other cases, lawyers are named on a rotating pro bono publico basis

(*advogados dativos*). The Special Rapporteur was also informed by public defenders in Rio de Janeiro that there used to be a special Public Defender's Office (*Nucléo de Defensa de la Ciudadaniá*) providing assistance in police stations to those arrested in flagrante. The service operated 24 hours a day. Unfortunately, it had been closed down because no public defenders were willing to work for this service given the low wages and the fact that they would receive a higher salary as prosecutors. Practitioners and NGOs also indicated that public defenders rarely dedicate adequate time to the representation of their non-paying defendants. They were often reported to meet their clients during the first or even second hearings and not necessarily to speak in defence of their clients during trials.

95. During his visits to police lock-ups, the Special Rapporteur found that most of the suspects believed that their families had not been informed of their arrest and whereabouts and that in practice, persons arrested were very rarely assisted by a lawyer. On the contrary, it was reported that, in the few instances in which a detainee had a private lawyer, the latter had been prevented from seeing his/her clients until after the completion of the preliminary processing. Lawyers indicated that they often saw their clients for the first time at the first court hearing. According to the public defenders whom the Special Rapporteur met in Rio de Janeiro, pursuant to a decree passed in 1995, *delegados* must send a letter to the public defenders' office informing it about any arrest within three or four days from the date of the arrest. According to prosecutors from the *Nucleo Contra Tortura* of the Federal District of Brasilia, 97 per cent of suspects are not assisted by a lawyer during the investigation phase, while the majority of them are only assisted by law students during the judicial phase. They also reported that students do not go to the police stations and usually meet their clients for the first time during the first instruction hearings and are therefore not in a position to bring witnesses.

96. The Special Rapporteur during visits to police stations noticed that, in most cases, no record was kept in the official registers of the time and place of the arrest, nor of the identity of the arresting officers, and subsequent transfer to a police station of suspects. Transfers to medical facilities or to the court were often not recorded. During his visit to the 16th District Police station in Recife, the *delegado* first indicated to the Special Rapporteur that there was no registry book in which that kind of information was recorded. The police *corregedor* who accompanied the Special Rapporteur confirmed that such information should be recorded in a registry book, but indicated that there was no standardized registry book. He further informed the Special Rapporteur that the *corregedo*'s office had proposed to standardize all registry books. An occurrence book was eventually shown to the Special Rapporteur. It recorded the date and time of arrest, but there was no mention of the date and time of the release or transfer to another place of detention. This information was said to be found in the personal file of the suspect. The Special Rapporteur notes that it was nevertheless not recorded in the personal file of the person chosen at random in the occurrence book by the Special Rapporteur. This lack of any record makes it difficult for authorities to refute allegations often heard that during such transfers suspects are subjected to torture and other forms of ill-treatment, including threats, in an attempt to extract confessions or as a form of intimidation in order to prevent them from complaining about previous ill-treatment either to magistrates or doctors and forensic experts. Transfers are often said to take much longer than necessary as en route suspects are often taken to remote areas where they are subjected to ill-treatment or threats. A number of detainees whom the Special Rapporteur met said that after their arrest they had been driven around for hours, allegedly in

order to give the media time to arrive at the police station so that they could record and publicize the arrest of suspected criminals. In these circumstances, detainees complained of having been portrayed as criminals rather than suspects by both the police and the media. Some alleged that they had been tortured or otherwise ill-treated and threatened by arresting officers in order to make them confess in front of the media to the crimes for which they had been arrested.

97. Despite the legal safeguards against arbitrary arrest, it is reported that both the civil and military police routinely make arrests outside the legal limitations. Arrests in flagrante seem to be widely resorted to. It appears, from testimonies received by the Special Rapporteur, that there is a tendency to carry out arrests later classified as in flagrante even when the individual is not actually caught in the act, but there is a strong suspicion that he/she took part in criminal activities. Persons of African descent or from marginalized groups seem to be particularly affected by this phenomenon. Furthermore, the Special Rapporteur received a number of allegations according to which police had planted criminal evidence, such as weapons or narcotics, on persons allegedly arrested in flagrante.

B. Criminal investigations

98. Brazil is one of the few countries in Latin America maintaining the institution of a preliminary criminal investigation carried out by the alone. The civil police carry out the police inquiry which may be initiated by written order of the police authority, at the request of the victim, or by order of a judge or the public prosecutor's office. Pursuant to article 5 of the Code of Criminal Procedure, inquiries must be opened when the police have been informed of a possible violation of the Penal Code. The prosecutor can require the police to conduct additional investigations at any time. The decision of the prosecutor on whether to prosecute is based on the results of such a police investigation. Owing to the rota system of work (a 24-hour shift followed by 48 hours off duty) and the consequent lack of continuity, there is no one police officer or *delegado* responsible for the full police investigation, which is said by NGOs and some public prosecutors to pose serious problems with respect to the quality of the investigation.

99. This system has been blamed not only for the poor quality of investigations but also because it fosters abuses by the police in carrying out the investigations. In January 2000 the São Paulo State Secretariat for Public Security reportedly presented a proposal to Congress for constitutional reform that would replace the police preliminary investigation with an investigation stage led by the prosecutor and controlled by a sort of investigating judge. Only confessions made before the investigating judge would be admissible and anyone subjected to provisional detention would have to be brought before him/her after a 24-hour period. According to the information received by the Special Rapporteur during meetings with representatives of civil society, this proposal, even though supported by the Government, has encountered strong resistance from the police.[13]

100. During his visit to police stations, the Special Rapporteur noted that there seems to be a practice among the police of using the procedure for the investigation of heinous crimes rather than an equally applicable procedure for ordinary crime investigations to prevent bail[14] being granted, even though the indictment subsequently issued by the judge may be for a non-serious crime. For example, a number of persons detained said that they were under investigation for drug trafficking (article 12 of the Penal Code) whereas they claimed that they had been caught

with a small quantity of a relatively non-harmful substance, such as a few grammes of marijuana, which should have led to a charge of drug possession (art. 16). Similarly, there seems to be a tendency to charge a suspect with robbery (art. 157) rather than theft (art. 155). The former attracts a minimum sentence of more than four years, which means that bail cannot be granted, while the latter attracts a sentence of from one to four years and allows bail. A number of testimonies from detainees referred to petty crimes involving small sums and no serious threats to person or property. Still the police, prosecutors, or even judges were said to freely qualify theft as robbery to put petty criminals, who in many countries would not even receive a custodial sentence, in a person for long periods. Moreover, it is alleged that the police frequently coerce confessions to the more serious offence, even when a suspect is willing to confess to a lesser one. The law seems to act as an incentive to the police to extract confessions to crimes that may be more serious than those actually committed. This tendency seems also to be reinforced by constant calls from the public and politicians for stricter measures to be taken against criminals. This policy not only results in a substantial level of unnecessary deprivation of liberty, but also contributes to the overcrowding problem. This policy seems to be supported by statistics provided by the São Paulo State Secretariat for Penitentiary Administration: as of 31 October 2000, 50 per cent of prisoners had been convicted of robbery while only 8.75 per cent for theft. Similarly, according to the Governor of the State of Minas Gerais, more than 40 per cent of detainees in the state have been sentenced for drug trafficking while NGOs and law practitioners pointed out that most had only been caught with a very small quantity of drugs (mostly marijuana) believed to be for their own consumption.

101. With respect to confessions, article 5 (LVI) of the Constitution provides that "evidence obtained through unlawful means is inadmissible in the proceedings". On the burden of proof, article 156 of the Code of Criminal Procedure states that "(t)he burden of proving an allegation lies upon whoever has made it, but the judge may, at the evidentiary phase or before delivering the sentence, issue an *ex officio* order for the performance of any actions he may deem appropriate in order to clarify any doubts on a relevant issue".

102. According to the President of the Federal Supreme Court, in case of torture allegations made by a defendant during a trial, there is a reversion of the burden of proof. The public prosecutor would have to prove that the confession was obtained by lawful means and the burden of proof would not lie with the defendant having made the allegations. According to public prosecutors from the *Nucléo contra Tortura* of the Federal District of Brasilia, if a judge or a public prosecutor is informed that a confession may have been obtained through illegal means, he/she should initiate an investigation, which will be carried out by a prosecutor other than the one in charge of the case. According to their interpretation, as long as investigations are ongoing on the matter, the confessions must be removed from the file. The President of the Federal Court of Appeal confirmed this interpretation of the law. He indicated that when there is prima facie evidence that a defendant has confessed under torture and if his/her allegations are consistent with other evidence, such as forensic evidence, the trial must be suspended by the judge and the public prosecutor's office must require the opening of an investigation regarding the torture allegations. If the judge intends to purse the prosecution of the suspect, the confession concerned, as well as other evidence obtained through this confession, should not be part of the body of evidence in the original trial. If a confession is the only evidence against a defendant, the judge should decide that there is no basis for conviction. The Prosecutor General of the

Republic said that the prosecutor in charge on the initial criminal investigation may sometimes also be in charge of the one regarding allegations that the confessions had been obtained unlawfully. He admitted that, even though there might be a conflict of interest, this situation often occurs in small places.

C. Provisional (pre-trial) detention

103. There are two kinds of provisional detention.

1. Preventive detention

104. An order of preventive detention (*prisão preventiva*) may be issued by a judge at the official request of a police authority or a public prosecutor when the two following conditions are met: (a) there is material evidence that a crime was committed; and (b) there is sufficient evidence of the authorship of the crime. The detention of the suspect must also be necessary to (a) safeguard public order; (b) safeguard economic order; (c) the securing of evidence; or (d) ensure that the suspect will not abscond.[15] Article 10 of the Code of Criminal Procedure provides that the police inquiry must be completed within 10 days of the arrest when the suspect is under preventive detention or in detention following an arrest in flagrante.[16]

2. Temporary detention

105. Temporary detention (*prisão temporária*, also called *prisão para investigação*) has to be decreed by a judge at the official request of a police authority or a public prosecutor within a period of 24 hours of the receipt of the official request.[17] The judge may, at his/her own discretion or at the request of the public prosecutor or the lawyer, determine that a detainee must be brought before him/her, request information and clarification from the police and order an examination of the corpus delicti.[18] After temporary detention has been ordered, a detention warrant must be issued, a copy of which is to be delivered to the prisoner as a notification of the charges against him/her (*nota de culpa*).[19] It is the Special Rapporteur's understanding that the use of the term *nota de culpa* by both detainees and civil society referred in most cases to a confession, and not to the notification of charges as provided for in the law. The Special Rapporteur has therefore retained the terminology used by his interlocutors, in particular with respect to interviews of detainees (see annex).

106. "Temporary detention shall be applicable when: (a) it is essential for police investigations; (b) the defendant does not have a fixed residence or does not provide required elements for the clarification of his/her identity; and (c) there are well-founded reasons, in accordance with any proof admitted in the criminal legislation, that the defendant committed or participated in the following crimes: wilful homicides (article 121 of the Penal Code), kidnapping or private imprisonment (art. 148), robbery (art. 157), extortion (art. 158), extortion through kidnapping (art. 159), rape (art. 213), indecent exposure (art. 214), violent kidnapping (art. 219), epidemic resulting in death (art. 267), poisoning of drinking water or of food products or medical substances resulting in death (art. 270), participation in gangs or criminal groups (art. 288), genocide (articles 1 to 3 of the Law No. 2,899 of 21 October 1967), drug trafficking (article 12 of Law No. 6,368 of 21 October 1976) and crimes against financial system (Law No. 7,492 of 26 June 1986). It is reported that the jurisprudence and *opinio juris* have

established that temporary detention may be ordered in the case of the crimes listed above when either of the two other conditions ((a) and (b)) are met. The maximum period of detention of a suspect under temporary detention is five days, "which may be extended for an equal period of time when extremely and absolutely necessary".[20]

107. Furthermore, different time limits for temporary detention are stipulated with regard to the so-called heinous crimes. Article 5 (XLIII) of the Constitution provides that the following crimes are heinous crimes: torture, illicit drug trafficking, terrorism, and others to be defined in statutory law. The Heinous Crime Act[21] extends the constitutional list to the following crimes: armed robbery qualified by subsequent death, extortion qualified by subsequent death of the victim, rape and violent sexual assault, spread of epidemic disease qualified by subsequent death and genocide. The same constitutional provision further provides that there will be no amnesty, pardon, nor provisional release on bail for such crimes. In the case of someone arrested on suspicion of having committed a heinous crime, temporary detention may be ordered for 30 days, renewable for an equal period if absolutely necessary.

3. The 81-day rule

108. According to the jurisprudence, in cases of preventive detention, the initial 10 days of pre-indictment detention must be included in the 81-day provisional (pre-trial) period. This period is a case-law construction which is constituted, inter alia by the following time periods: 10 days for the police to conclude the criminal inquiry; 5 days for the prosecutor to file a criminal lawsuit; 3 days for the defendant to reply; 20 days to hear the prosecution witnesses and 20 days for the defence witnesses. In case of temporary detention, including in cases of heinous crimes, the 81-day period starts after the initial temporary detention period (i.e. 5 plus 5, or in the case of heinous crimes, 30 plus 30 days).

109. However, in both cases, i.e. whether the suspect has first been held under preventive or temporary detention, there seems to be no legal provision establishing that suspects must be released at the end of the legal provisional detention period if no court judgement has been issued on the merits of the case. On the contrary, it is reported that the Federal Court of Appeal has ruled that the 81-day period must not be considered strictly, and that the judge may apply the "reasonableness" principle in order to keep someone in detention if delays are justified by natural difficulties of criminal proceedings. The Court stated that "the case law construction that has defined the limit of 81 days to prove guilt in case where the defendant is detained, must be applied flexibly to take account of the principle of reasonableness. It is admissible to exceed this limit in adequately justified circumstances."[22] Public prosecutors have drawn the attention of the Special Rapporteur to the fact that this jurisprudence was potentially extremely dangerous since it does not establish a threshold for the application of the "reasonableness principle". Persons in preventive detention are eligible for provisional release on bail.

4. Provisional (pre-trial) detention facilities

110. Article 84 of the LEP provides that convicted prisoners should always be kept separate from those detained provisionally. Article 102 of the LEP provides that detainees under provisional detention should be held in pre-trial or remand prisons (*cadeias publicas*).[23] Each

circuit court should have at least one provisional detention facility in the interests of the administration of criminal justice and to ensure that detainees are held close to their family or community.[24] However, it is not clear whether there is a limit on the time a person having been formally charged can be held in a police precinct (*delegacia de policia*) before being transferred to a provisional detention facility. While the law appears clear, and provides that a person may be kept in a police lock-up for up to 24 hours (after which a judge must issue a provisional detention order), the jurisprudence is relatively contradictory. The Federal Supreme Court is reported to have decided that "the detention of an accused person in a police station cannot exceed the time of regular proceedings",[25] without nevertheless referring to the 24-hour period provided for in the law. According to some of the Special Rapporteur's official interlocutors, for the purpose of the law, police station stations are indeed considered "public jails" and therefore provisional detainees, i.e. persons detained either under a temporary or a preventive detention warrant, can remain in police cells for more than the 24-hour period. They nevertheless pointed out that it was illegal to hold convicted prisoners in police stations or pre-trial prisons and to hold remand detainees in prisons for convicted prisoners. According to NGOs and public prosecutors, provisional detention in police lock-ups should be considered illegal since article 102 provides that provisional detainees must be detained in specific provisional detention facilities. Because of the lack of space in provisional detention centres, the police and judicial authorities are believed to have been "obliged" to ignore the law. A number of state High Courts have thus decided that where there was no appropriate place in a penitentiary institution, even convicted prisoners may remain in police cells, which, a fortiori, would extend to provisional detainees.[26] The Federal Court of Appeal, however, is said to have decided that a convicted prisoner cannot be held in a police station.[27] That the civil police are in charge of the preliminary investigation and police lock-ups are guarded by civil police officers is believed to facilitate the abuse of suspects by police investigators in an attempt to extract confessions or information related to the criminal inquiry. Furthermore, because of the overcrowding in the prisons of most states, convicted prisoners are often kept in *delegacias* and are therefore often mixed with those awaiting trial, in violation of the LEP.

111. The Governor of the State of Rio de Janeiro informed the Special Rapporteur of his intention to create "custody houses" under the jurisdiction of the Secretariat for Justice where persons caught in flagrante, who at the time of the visit of the Special Rapporteur were detained in police stations, would be taken immediately after arrest. According to this new procedure, after having been arrested, a suspect would be taken to a *delegacia legal* where his/her identity would be established and a preliminary interrogation take place. The suspect would then be taken to a "custody house" where he/she would be further questioned. The Special Rapporteur welcomed this proposal, while stressing the need to establish a time limit for the police to hand over the suspect to an institution under the jurisdiction of the Secretariat for Justice. According to the State Secretary for Public Security of Rio de Janeiro, it would be difficult to establish such a time limit as it would depend on the number of victims'and witnesses' testimonies to be recorded.

D. Sentences

112. According to article 33 of the Penal Code, a closed regime is mandatory for prison sentences of more than eight years and should be served in maximum or medium security facilities. A semi-open regime may be granted for prison sentences of between four and

eight years if the person sentenced is not a recidivist, while an open regime may be granted to those whose sentence is lower than or equal to four years, if the person is not a recidivist. Recidivists must serve their sentences in a closed regime.

113. Articles 43 and 44 of the Penal Code provide for the application of alternative sentences which have an obligatory character. This means that if the conditions for an alternative sentence exist, the judge is obliged to pronounce it. Those conditions are as follows: the prison sentence should not be more than four years, the crime was not intentional or it was committed without the use of violence or serious threat of violence; and the person to be sentenced has not previously committed an intentional crime. The application of alternative sentences must also take into account records of previous behaviour, social conduct, intensity of guilt and circumstances of the commission of the crime. Alternative sentences range from payment of reparation or fine to community work, or work for charity, or temporary suspension of rights.

114. The fact that alternative sentences are applicable only for sentences of not more than four years, coupled with the tendency of the police to look for confessions to more serious crimes than those actually committed, contribute to measures of deprivation of liberty. It is reported that judges seem to avoid imposing alternative sentence even in the case of first offenders. According to NGOs as well as some public officials and public prosecutors whom the Special Rapporteur met, this is again due to the increasing pressure from public opinion for strong measures to be taken against criminality and want criminals to be kept in jail. The São Paulo State Secretary for Public Security stressed that the prevailing culture in the judiciary is not a culture of human rights when it comes to fighting against criminality, and referred to a popular Brazilian saying that says "good criminals are dead criminals".

115. There also exists a system of progression sentences by which detainees can pass from a strict regime to a lesser one, provided that they behave in accordance with the internal disciplinary rules. The penal execution judge is responsible for sentence progression system, as well as remission and unification of sentences and release on parole.[28] It must be noted that one sixth of a sentence of more than eight years must be served in a closed regime before the detainee may benefit from the progression system. One complaint that the Special Rapporteur heard from several detainees was that the time limits for the conversion of one detention regime to another usually pass without any appropriate measures being taken. Furthermore, according to the Prison Ministry in São Paulo, up to 90 per cent of the requests for sentence progression are refused, allegedly on the basis of a short interview with a psychologist and pre-established reports. The State Secretary for Justice of Pernambuco expected the law to be amended soon to ensure that prisoners progress from closed to semi-open regime on the basis of the time served, with the possibility for public prosecutors to ask judges to issue an opinion if there are grounds to delay the progression, for example for security reasons. It is believed that a draft law has been presented by the Minister of Justice to that effect.

116. Furthermore, article 31 of the LEP provides that all persons deprived of their liberty must work according to their ability and capacity. Detainees should thus have their sentences reduced by one day for every three days of work. In practice, in places of detention visited by the Special Rapporteur, the facilities did not permit all prisoners to work, either because of problems relating

to insufficient infrastructure or because of reported security reasons, mainly due to the overcrowding. According to statistics provided by the Secretariat for Penitentiary Administration of the State of São Paulo, as of 31 October 2000, out of a total population of 57,048 prisoners, only 61.33 per cent were working.

117. In case of heinous crimes, the sentence should be entirely served in a closed regime.[29] However, changes were introduced by the Organized Crimes Act[30] and the Torture Act[31] providing that for crimes committed by criminal gangs and organizations and for the crime of torture, a closed regime is to be imposed only initially, allowing for progression. A debate is said to have taken place as to whether this measure should be extended to other heinous crimes. Some decisions of the Supreme Court have reportedly established the maintenance of the imposition of a closed regime throughout the sentence for other heinous crimes, while other decisions of the same court have admitted that the changes brought about by the Torture Act apply to all heinous crimes.

E. Imprisonment of convicted prisoners

1. Prison facilities

118. The LEP enumerates the penal institutions in which sentences can be served.[32] Detainees whose sentences have to be served in a closed regime shall be held in prisons or penitentiaries (*penitenciaria*).[33] Closed regime sentences must be served in individual cells measuring at least 6 square metres.[34] However, with the exception of one prison visited in the State of Minas Gerais (Nelson Hungria), the Special Rapporteur found that this provision was completely disregarded in practice. Those whose sentences have to be served in an open regime are to be held in a *casa de albergado*. It is reported that as a large number of states have not established *casas de albergado*, courts have ordered conditional temporary release in such cases (this may also be achieved by means of a habeas corpus application). Sentences to a semi-open regime must be served in industrial or agricultural colonies.[35] These different penal institutions may be accommodated in one single prison complex. But, according to article 5 (XLVIII) of the Constitution of the Federal Republic of Brazil, "the prison sentence shall be served in separate establishments, according to the nature of the offence, the age and the sex of the convict".

119. During his visit, the Special Rapporteur noted that police lock-ups were used both as places for short-term provisional detention and as places of detention for sentenced prisoners, because of the overcrowding in the penitentiary system. Representatives of civil society in the States of São Paulo and Minas Gerais emphasized that "the police have become a de facto prison authority, supplementing or nearly replacing the conventional prison system".[36] As stated above, this situation was also regretted by some police officials who recognized having neither the training, nor the personnel to assume both functions of judicial police and prison guards.

120. In practice, provisions regarding the separation of detainees according to their legal status (awaiting trial/convicted detainees) or the nature of the regime to which they have been sentenced (open/semi-open or closed regime) are frequently disregarded. According to NGOs, this may largely be due to the division of responsibilities among different state secretariats. In most states, the secretariat for public security is responsible for police lock-ups, while the

secretariat for justice or for penitentiary administration (as in the State of São Paulo), for the penitentiary system. Detainees are first taken to police lock-ups and are usually only transferred to penitentiary facilities upon authorization from penitentiary authorities. The latter are believed to be reluctant to authorize such transfers in a penitentiary system which is already overcrowded and believed therefore to be at a higher risk of revolts. This is why it is believed that prisons are never as seriously overcrowded as police lock-ups, even if this means that police lock-ups operate at up to five times their capacity. At the same time, the overcrowding in police lock-ups and delays in transferring detainees to penitentiaries lead to the routine mixing of those awaiting trial and those who have already been convicted.

121. Women must serve their sentences in separate establishments and persons aged over 60 years have to be accommodated in their own penal institution appropriate to their personal situation.[37] The penal institutions designed for women will have a nursery, where the convicts will be able to nurse their children.[38] Women prisoners must be supervised by women guards,[39] which was not the case in the women's prison visited by the Special Rapporteur in São Paulo (Tatuapé). The Special Rapporteur nevertheless notes that no women were found mixed with male detainees in any of the places of detention he visited.

2. Prisoners' rights

122. With respect to visits, article 41 (X) of the LEP provides for the right of prisoners to visits from their "spouse, girlfriend, relatives, and friends on pre-established days". According to the information received, visitors are sometimes denied access to their relatives and routinely subjected to harassment and humiliation, including strip searches, prior to entering any detention centre. Searches are allegedly rarely carried out in accordance with appropriate hygienic standards and include squatting and at times intimate searches. Elderly women and minors are reportedly similarly subjected to these searches. In a specifically notable example, authorities of Nelson Hungria (Minas Gerais) are believed to have attempted effectively to bar access to the Prison Ministry (*Pastoral Carcerária*) by deciding that its members should be strip-searched. Furthermore, according to sentenced prisoners held either in prisons or police lock-ups, only parents and sometimes spouses and children up to a certain age were allowed to visit them. This policy was justified by the relevant authorities of the detention facilities on the grounds of security and lack of adequate infrastructure.

123. With respect to food and clothing, article 41(I) of the LEP provides for the rights of prisoners to adequate food and clothing. However, in most, if not all detention facilities visited by the Special Rapporteur detainees complained about the poor quality of the food, alleging that it was often rotten. The food, as well as the coffee served in most detention facilities indeed appeared to the Special Rapporteur to be of very bad quality. Detainees complained about the fact that visitors were forbidden to provide them with food, except for items such as crackers. The Special Rapporteur also notes that most detainees were either half-naked or without proper and adequate clothing.

124. With respect to access to medical assistance, prisoners have the right to medical, pharmaceutical and dental treatment.[40] In cases where the penitentiary does not have the proper facilities to provide the necessary medical assistance, it will be carried out in another place upon

the authorization of the director.[41] The LEP further provides that detainees have the right to contract the services of a medical doctor personally known to the internee or outpatient, by his or her relatives or dependents, in order to provide guidance and monitor treatment.[42]

125. The great majority of provisional detention facilities and prisons visited by the Special Rapporteur were characterized by a lack of medical resources, both in terms of qualified staff and medication. Medical assistance was said to have been denied to detainees. In the *casa de detenção* of Carandiru (São Paulo), the Special Rapporteur noted with concern a sign on the fifth floor stating that the prison infirmary had "no medication", that the doctor would come once a week and that only the names of 10 prisoners would be handed to the doctor for treatment. Medical treatment outside the prisons was reportedly arranged unwillingly and rarely. The alleged unavailability of vehicles or military police personnel to accompany the transport to hospital, lack of planning or appointments and, in some cases, the unwillingness of doctors to treat prisoners often lead to the denial of prompt and appropriate medical treatment. With regard to the situation in many of the police stations visited, which most of the time were holding a significant number of convicted prisoners, the Special Rapporteur received allegations that prisoners requiring urgent medical treatment were not or only belatedly transferred to hospitals despite the fact that none of these police stations had any medical facilities. Furthermore, prisoners were allegedly threatened with beatings if they asked for medical attention. As a result, common illnesses affecting a great number of prisoners, such as skin rashes, colds, tonsillitis and influenza, were allegedly seldom treated, if at all. The Special Rapporteur accordingly referred a number of detainees obviously in urgent need of appropriate medical treatment to the good offices of the officers-in-charge concerned.

3. Internal discipline

126. With respect to internal disciplinary rules, the LEP regulates the imposition of disciplinary sanctions, which may range from verbal warning and suspension of visits, to the isolation of detainees in their own cell or in another adequate location in penitentiaries which possess collective cells.[43] Isolation must be imposed by a disciplinary council, not by the director of the establishment alone, and be communicated to the judge responsible for the execution of sentences. Isolation and the suspension or restriction of rights may only be applied in case of grave infractions,[44] such as incitement or participation in a movement to subvert order or discipline, attempted escape, possession of a weapon or provocation of a work accident,[45] and must not exceed 30 days.[46] It must be noted that preventive isolation may be ordered for a maximum period of 10 days in the interest of discipline and verification of the facts which are counted towards the period of disciplinary punishment.[47] No disciplinary measure may be imposed without a clear and previous legal provision and without proceedings in which the defence of the suspect has been ensured.[48] In its application the perpetrator of the offence, as well as the nature, circumstances and consequences of the offence have to be taken into account.[49] Disciplinary measures may not expose the physical and moral integrity of the convict. The use of dark cells and collective punishment are prohibited.

127. The Special Rapporteur found that in many instances detainees had been transferred to punishment in isolation cells for minor infractions, such as being found in possession of a mobile phone or for disrespect to prison guards, or because they were threatened by other prisoners. In

some instances they had been deprived of their belongings and their clothes. The limit of 30 days was not always respected, as some prisoners alleged to have been kept in isolation or punishment cells for more than two months. In most cases, if not all, detainees in punishment cells declared that they had been placed there upon the decision of the director of the prison or the head of security. They had not been heard by any other body such as the disciplinary council referred to above. They had therefore not been able to give their interpretation of the facts or to ensure their defence. Many of them did not know for how long they would be kept in isolation or punishment cells. This was particularly flagrant in the case of Anibal Bruno Prison (State of Pernambuco) where the Special Rapporteur, who had been given the list of punishments by the prison authorities, found himself informing the detainees of the reasons for, as well as the length of their punishment. A number of detainees referred to collective punishment (see above and annex). In particular, visits were said to have been suspended indiscriminately for all prisoners for events involving only some of them.

4. External monitoring

128. With respect to external monitoring of prisons, the LEP identifies seven mechanisms responsible for penal execution, six of which have prison monitoring functions,[50] namely the National Council of Criminal and Penitentiary Policy,[51] penal execution judges, public prosecutors, the Penitentiary Council (i.e. local prison councils), the Penitentiary Department and the Community Council. In particular, it must be noted that the penal execution judges,[52] as well as the public prosecutors,[53] must inspect penitentiaries on a monthly basis to verify that the LEP provisions are respected. The Penitentiary Council, which must consist of professionals and academics working on penal law appointed by the state governors, have a similar obligation[54] and must present to the National Council on Criminal and Penitentiary Policy a report on its findings during the first trimester of each year. Finally, according to the LEP, each district should establish a Community Council composed of individuals from different professions[55] which has the duty to "visit, at least once a month, penal establishments in the area, interview prisoners, present monthly reports to the penal execution judge and to the Penitentiary Council, work towards the acquisition of material and human resources for better assistance for prisoners and detained persons, in cooperation with the director of the establishment."[56] It must be noted that in the State of São Paulo, there also exists an Administrative Internal Affairs Division of the Penitentiary System that belongs to the State Secretariat for the Penitentiary Administration and is responsible for the inspection of detention facilities. Finally, the Special Rapporteur notes the crucial role played in monitoring respect for human rights by the Prison Ministry *(Pastoral Carceiraria)* which has quasi-official status and has access to all places of detention on a countrywide basis. It was nevertheless regretted that the Prison Ministry lacked sufficient personnel resources in some places to carry out its functions properly despite the dedication of its members.

129. Despite all these provisions, it is reported that inspections of detention facilities have in many instances been hampered by prison authorities. According to a prosecutor met by the Special Rapporteur in Brasilia, public prosecutors are not allowed to visit either police stations or

prisons. Members of the Community Councils are said to have been prevented from entering prisons and to have been subjected to harassment by uncooperative prison authorities. In the State of São Paulo, according to Decree No. 17 of 29 June 2000, non-governmental organizations in charge of children's rights have to request authorization at least five days in advance from the President of FEBEM to enter its units.

130. Finally, the Special Rapporteur takes note of the following recommendation made by the Commission on Human Rights of the Chamber of Deputies, which calls for the federal Government to make the release of funds from the Penitentiary Fund and the National Security Fund subject to certain conditions, including an end to body searches of visitors, guarantee of the right to conjugal visits, respect for certain minimum standards of detention, preparation of a timetable concerning the transferring of all sentenced prisoners detained in police precincts, and the presentation of a timetable to guarantee legal assistance to all prisoners.

F. Juvenile offenders

131. In cases of "infractions"[57] committed by adolescents or children,[58] the Statute of the Rights of the Child and Adolescents (*Estatuto da Criança e do Adolescentes*, ECA - Law No. 8069 of 13 July 1990) provides for measures ranging from admonition, obligation to repair the damage, community service,[59] assisted freedom[60] and semi-liberty[61] to internment in an educational institution, or measures of assistance to the family, or others as defined in article 101 of ECA.[62] Article 122 of the ECA provides that internment may only be applied where the infraction was committed "by means of a grave threat or violence to a person" or where the case involves repetition of other grave infractions, as well as where the case involves "reiterated and unjustified non-compliance with the previously imposed measures", in which case it may only be imposed for a period of three months. The maximum period of internment must not exceed three years, after which the adolescent should be released or placed in a system of semi-liberty or assisted liberty. The maintenance of the measure of internment should be re-evaluated every six months. Upon the age of 21, release is compulsory.[63]

132. Pursuant to article 106, "(n)o adolescent will be deprived of his freedom unless arrested in flagrante delicto or by written and well-founded order of the proper judicial authority". The proper judicial authority, his/her parents or any other person indicated by a juvenile suspect shall be immediately notified of the arrest and the place where the minor is held.[64] Pursuant to article 108 of the ECA, children and adolescents can be provisionally held before being sentenced for a maximum period of 45 days. Pursuant to article 141 (1) of the ECA, juvenile suspects must have access to the Office of the Public Defender, the Office of the Attorney General and the Judicial Branch, and free legal assistance is rendered to those in need of it through the public defender or a designated lawyer.[65]

133. According to public prosecutors for children and adolescents of São Paulo, a minor under arrest is taken to a police station to fill out preliminary forms. Minors should not be kept in a police station for more than 24 hours, a period during which they should have access to a lawyer. But since only a few can afford a private lawyer, juvenile suspects are generally assisted by state

prosecutors who, after having heard the circumstances, can ask for further investigation of the case or can decide to file the accusations for lack of evidence. Only in cases of serious offences can a prosecutor refer the file to a judge and request temporary detention. In the State of São Paulo, minors detained temporarily are taken to the *Unidade de Atendimento Intial*. According to the information, the first hearing usually takes place within a week. Only sentenced minors can be transferred to a FEBEM establishment. It is believed by public prosecutors of São Paulo that the family is only informed of the arrest in two cases out of three.

134. According to article 123 of the ECA, juvenile offenders should be accommodated in an establishment "exclusively reserved" for them and subjected to "rigorous separation" on grounds of age, physical build, temperament and the gravity of the infraction. Furthermore, amongst the rights that are guaranteed by the ECA,[66] it must be noted that they must be interned in a locality close to their parents' home, receive visits at least weekly, live in hygienic conditions, carry out leisure activities and retain personal possessions. Incommunicado detention is absolutely prohibited. Article 94 of the ECA outlines the obligations of entities that conduct "internment programmes", such as to offer personalized treatment in small units, work for the re-establishment and preservation of family bonds, offer physical installations in adequate conditions of habitability, hygiene, health and safety and the objects required for personal hygiene, ensure sufficient nutrition and clothing, offer medical, psychological and dental care, provide education and vocational training, cultural, sports and leisure activities, as well as religious assistance, when desired. Article 201 (VIII) of the ECA provides that it is the duty of the Office of the Attorney General "to watch over the effective respect for the legal rights and guarantees ensured to children and adolescents, sponsoring appropriate judicial and extrajudicial measures".[67]

135. During his visits to juvenile detention facilities in São Paulo and Rio de Janeiro (see above), the Special Rapporteur observed that minors were not separated by age, physical build or seriousness of the crime for which they were provisionally being held or had been sentenced. They instead were kept all together, in an indiscriminate fashion, including mentally disturbed detainees. NGOs as well as public prosecutors for children and adolescents of São Paulo also stressed the lack of adequate psychological assistance and that the architectural structure of the establishments in which they were detained would not allow for recreational or educational activities.

G. Complaint procedures

136. According to the information received, complaints regarding torture and other forms of ill-treatment are sometimes made by defendants, in particular during first court hearings. However, the Special Rapporteur notes that a number of the detainees he interviewed indicated that because of the constant presence of law enforcement officials in these circumstances they did not dare to complain about the treatment they were subjected to for fear of reprisals, as they were usually taken back to the same police lock-up where the torture had allegedly occurred. Furthermore, in most cases, their complaints were said to have remained unresponded to by judges. The Special Rapporteur also notes that the belief that torture complaints to the judicial system would be to no avail was generalized amongst the detainees population. Public defenders

should report such allegations to a police station and ask for a forensic examination to be carried out. An administrative procedure should then be opened by the *corregedoria* (see below), which would be responsible for informing the Public Prosecutor's Office. It is alleged by NGOs and human rights lawyers that it usually takes a long time before the information reaches the latter and a criminal inquiry is opened. In that respect, it was suggested that greater interaction between public defenders and public prosecutors would certainly help speed up the process. At the state level a number of official bodies are in charge of oversight of police behaviour.

1. The Public Prosecutor's Office

137. The Public Prosecutor's Office is responsible for overseeing prosecutions of all defendants. Article 129 of the Constitution provides that it is exclusively in charge, inter alia, with instituting public criminal action "II. to ensure effective respect by the government branches and by services of public relevance for the rights ensured under this Constitution, taking the action required to guarantee such rights ... VII. to exercise external control over police activities [and] VIII. to request investigation procedures and the institution of police investigations, indicating the legal grounds of its procedural acts." It must be noted that this has been interpreted as meaning that the Public Prosecutor's Office has the power to proceed with independent criminal investigations even in cases where no police inquiry has been opened or where a police inquiry is still pending or has been filed, and that it can indict law enforcement officials involved in criminal activities, such as torture. The police inquiry is therefore not an obligatory procedure in a case in which a prosecutor possesses enough prima facie evidence (*indícios*). Furthermore, no legal provision precludes the competence of this Office from gathering prima facie evidence through other means than a police inquiry, such as, for example, a civil or administrative inquiry. According to the prosecutors whom the Special Rapporteur met, this interpretation is the subject of one of the most serious current institutional struggles, as the police strongly resist this approach. A draft law on the civil police has now been put before Congress which aims at giving public prosecutors more power over police inquiries. In that respect, the President of the Federal Court of Appeal pointed out to the Special Rapporteur that he had publicly denounced the fact that politicians lobbied by the police force were trying to undermine public prosecutors' powers to supervise police behaviour.

138. Allegations of torture by law enforcement officials are reportedly sent directly to the *corregedoria* that should open an inquiry. At this stage, the Public Prosecutor's Office is usually only in a position to initiate another investigation upon receipt of the case file from the police. It is alleged that such inquiries by the police are extremely protracted since police officers are very reluctant to investigate their colleagues' behaviour. It is also said to be difficult for public prosecutors to investigate crime at police stations. For example, in 1995, a number of prosecutors who intended to enter a police station in Gama (Brasilia) were barred entry by armed police officers. According to the General Prosecutor of the Republic, the Public Prosecutor's Office could open a criminal inquiry when a parallel administrative inquiry is carried out by the *corregedoria*. However, he recognized that it would be difficult for prosecutors to bring additional evidence due to the scarcity of means at their disposal. He also expressed dismay at the fact that given the lengthiness of the administrative inquiry, it usually takes a long time before a case reaches the Public Prosecutor's Office. This lengthy initial part of the process is also alleged to favour impunity as in some instances the prosecution would already be invalidated by the statue of limitation by the time the file reaches the public prosecutor.

139. In Belo Horizonte, State of Minas Gerais, a special human rights division has been created within the Public Prosecutor's Office to prosecute human rights violations. At the time of the visit of the Special Rapporteur, this division, staffed with one human rights prosecutor, had received more than 600 accusations of ill-treatment, bodily injury and torture and had prosecuted some 2,000 police officers for human rights violations. Prosecutors also visited various places of detention, including police lock-ups, on an unannounced basis. Authorities were blamed by civil society for not providing sufficient resources to public prosecutors to prosecute torture cases.

140. It was often feared by interlocutors from civil society that because he/she is appointed by the governors, the head of the Public Prosecutor's Offices may not always be genuinely independent from the political power. Furthermore, in several instances, the attention of the Special Rapporteur was drawn to the fact that the fight against criminality was often the priority of the Public Prosecutor's Office. Relatively few resources, both personnel and financial, are allocated to public prosecutors' divisions dealing with human rights.

141. Finally, the Federal Prosecutor for the Rights of Citizens informed the Special Rapporteur that, even though her Office had the right to investigate any alleged violations of human rights by federal, state or municipal agents, including by receiving information from any sources, it was in practice very difficult to gather information and testimonies on incidents of torture due, inter alia, to the slow pace of justice, the fear of reprisals, in particular owing to the lack of immediate, durable and effective protection of victims,[68] witnesses and their relatives, an insufficient number of qualified personnel, the existence of a separate justice system for military personnel, and the difficulty of obtaining evidence from forensic experts, in particular because of their subordinate relationship to the public security authorities.

2. *Corregedorias*

142. State police departments have established an internal affairs division (*corregedoria*) which is responsible for initial administrative investigations of police misconduct. Ordinarily, there are two *corregedorias*, one for the civil police and one for the military police. However, in the State of Pernambuco, there was a unified *corregedoria* for both police services (which are unified under the State Secretariat for Social Defence), headed by a former prosecutor, in order, according to the State Secretary for Social Defence, to ensure its independence from the police. According to the information received from *corregedors*, while they have the power to propose the dismissal of police officers, only the governor can decide to dismiss them. Other forms of disciplinary sanctions include reprimands or suspensions. According to the information received by the Special Rapporteur, one of the common administrative sanctions is the transfer of the guilty officer to another police station, especially one in a more remote area. This is believed to accentuate police brutality in the countryside and to reinforce impunity in regions already far away from close monitoring by *ouvidorias* and the more active urban civil society. In January 2000, the State Secretariat for Public Security of São Paulo reportedly presented a proposal, supported by the National Forum of the Police Ombudsmen, to the Parliament for a constitutional reform which would create a unified and autonomous *corregedoria* with a view to guaranteeing external control over the police.

3. *Ouvidorias*

143. Police ombudsman's offices (*ouvidorias*) have now been established in some state police departments as an additional oversight body to monitor police behaviour. The first *ouvidoria* was created in the State of São Paulo in 1995. Since then, *ouvidorias* have been established in the States of Pará, Minas Gerais, Rio de Janeiro and Rio Grande do Sul. They are under the jurisdiction of the State Secretary for Public Security.

144. The *ouvidor* of the State of São Paulo, who serves as ombudsman for both military and civil police[69] reported that during the previous four years his office had received 764 accusations of torture involving some 3,000 people and mainly regarding police misconduct in police stations and provisional detention centres. He regretted that only five criminal investigations had been opened under the Torture Act. All denunciations of police misconduct received by the *ouvidoria* must first be transmitted to the *corregedoria* which decides whether there is sufficient evidence to open an administrative inquiry. According to the *ouvidor*, cases involving military police officers, especially of high rank, are dealt with reluctantly by the military police *corregedoria* as the *corregedor* himself is subordinated to the chain of military command. He also pointed out that cases referred to the civil police *corregedoria* were often not the subject of any investigation.

145. Finally, the *ouvidor* indicated that the police in the hinterland who commit abuses benefit from almost total impunity. To remedy this situation, he had proposed the decentralization of his office activities. It is reported that two decrees have been approved to this effect but that they had not yet been published at the time of the visit of the Special Rapporteur and could therefore not be implemented. It must be noted that *ouvidorias* may refer a case directly to the Public Prosecutor's Office when there is sufficient evidence, even if the case has been previously filed by the police or the *corregedoria*. The *ouvidor* stressed that if public prosecutors were able to follow cases from the beginning of the inquiry instead of relying on evidence gathered by the police, this would greatly contribute to the fight against impunity. He, as well as NGOs, alleged that even though public prosecutors have the power to conduct their own investigations, they rarely exercise this power and rely mainly on police investigations, which they never question.

146. In Minas Gerais, the creation of the prison and the civil police *ouvidoria*, created in 1998, is said to have led to a reduction of torture complaints. This office consists solely of the police ombudswoman, one adviser, one executive secretary and one intern. As there is no legal adviser in the team, it is believed to be difficult for the *ouvidoria* to have a legal approach to the cases received. The human rights prosecutor is said to be cooperating with the *ouvidoria*. It was pointed out that cases of complaint against the military police are sent directly to the military staff command.

4. Forensic Medical Institute (*Instituto Medico-Legal*, IML)

147. Torture victims must request a medical form from a *delegado* in order to be examined at a Forensic Medical Institute (IML). These Institutes are under the jurisdiction of the same Secretariat as the police, i.e. the State Secretariat for Public Security. According to the São Paulo State Public Prosecutor, upon arrest on judicial warrant a forensic examination of the

person(s) arrested is compulsory, and another when the time limit for temporary detention has been reached. According to NGOs and prosecutors, *delegados* or police officers accompanying a torture victim to an IML would often dictate to the doctor the content of his/her report. Furthermore, a number of detainees whom the Special Rapporteur met said that for fear of reprisals they did not complain about the treatment they had received when they were examined at an IML. Many complained of being brought to the IML by their torturers and allegedly intimidated and threatened during transport. A number of them are believed to have invented stories in order to respond to queries by doctors in order not to implicate any law enforcement officials. This is also said to be the case when the alleged torture occurred in a prison since in that case victims are accompanied by military police officers who are also involved in the surveillance of prisons in a number of states. The State Secretary for Social Defence of Pernambuco denied the allegations, often heard by the Special Rapporteur, that law enforcement officials were usually present in the IML examining room. It is also alleged that IML forensic experts only record external and visible injuries. Furthermore, medical reports by independent medical practitioners are said not to have the same probative value in court as IML testimony.

148. While not in a position to assess the extent to which the above allegations reveal a generalized problem, it is evident that the problem is real enough in respect of a substantial number of IML officers. Moreover, as long as these officers remain under the same governmental authority as the police, doubts as to the reliability of their findings can only persist.

H. Criminalization of Torture

149. On 28 September 1989, Brazil ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and submitted on 26 May 2000 its initial report pursuant to article 19 (CAT/C/9/Add.16), which was due in October 1990. According to this report, article 5 of the Constitution of the Federative Republic of Brazil of 5 October 1988 lists the rights guaranteed in international treaties to which Brazil is a party, which therefore received the status of directly applicable constitutional rights.

150. With respect to the prohibition of torture, this article provides that "(a)ll persons are equal before the law, without any distinction whatsoever, and the inviolability of the right to life, liberty, equality, security and property of Brazilians and foreigners residing in the country is ensured, according to the following terms: ... III - no one shall be submitted to torture or to inhuman or degrading treatment". Article 5 (XLIII) of the Constitution stipulates that, like other heinous crimes, the practice of torture is not subject to bail, mercy or amnesty, and that superiors, accomplices and persons who are able to prevent such a crime but do not do so, even by omission, must be held liable for the crime. Article 5 (XLVI) (e) prohibits "cruel" punishment and article 5 (XLIX) provides that "convicts shall be ensured of respect for their physical and moral integrity. Similarly, article 40 of the LEP provides that "(a)ll authorities are obliged to respect the physical and mental integrity of convicts and temporary prisoners" and article 45 prohibits punishment which violates "the physical and moral integrity of the convict" (para. 1) and collective punishment (para. 3) and the use of dark cells (para. 2). Finally, article 5 of the ECA stipulates that "[n]o child or adolescent shall be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, and any violation of their fundamental rights, either by act or omission, will be punished according to the terms of the Law".

151. The crime of torture was defined nine years later in article 1 of Law No. 9.455 of 7 April 1997 (thereafter: the Torture Act) as follows:

> "Article 1. A crime of torture is defined as:
>
> "I - constraining a person by using violence or serious threat which results in physical or mental suffering; with the purpose of obtaining information, a declaration or confession from the victim or third person; to provoke criminal action or omission; due to racial or religious discrimination;
>
> "II - submitting a person under one's responsibility, power or authority to intensive physical or mental suffering, by his/her use of violence or serious threat, as a way of enforcing personal punishment or as a preventive measure."

Although torture is defined in terms similar to those of article 1 of the 1984 Convention, the definition in the Brazilian law does not entirely reflect the internationally agreed definition of torture. It restricts acts of torture to "violence or serious threat" while the Convention definition refers to "any act". It thus does not cover acts that are not violent per se, but may nevertheless inflict "severe pain or suffering, whether physical or mental". It must also be noted that according to the Brazilian definition, the crime of torture is not limited to acts committed by public officials. However, it is stipulated that punishment is more severe "if the crime is perpetrated: (a) by a public agent ...".[70]

152. While the law provides that a person must be sentenced to two to eight years' imprisonment if convicted of torture, the sentence must be increased by up to one third in the case of public agents.[71] The same penalty, i.e. two to eight years' imprisonment, applies to those "who submit a person who is imprisoned or subject to security measures to physical or mental suffering, by practising an action not contemplated by law or not resulting from a legal measure" (para. 1). Pursuant to article 1 (2), complicity by omission by a person having "the responsibility to avoid or investigate" such conduct must be sanctioned by one to four years' detention. Paragraph 3 stipulates that "[i]f the crime results in aggravated or extremely aggravated physical injuries, the punishment shall consist of confinement from four to ten years; if it results in death, ... eight to sixteen years". Finally, article 2 makes the law applicable to the crime of torture not committed on Brazilian territory, provided the victim is a Brazilian citizen or the aggressor is in an area under Brazilian jurisdiction (universal jurisdiction).

153. Before the issuance of the Torture Act, cases of torture had been exclusively classified as abuse of authority (*abuso de autoridade*), or, inter alia, as battery/bodily harm (*lesoes corporais*) pursuant to Article 129 of the Penal Code, homicide (where it resulted in death) pursuant to article 121 of the Penal Code, threats (*amenaças*) pursuant to article 147 of the Penal Code, or illegal constraints (*constrangimentos ilegais*) pursuant to article 146 of the Penal Code. According to the information received, in particular from public prosecutors, the sentences handed down before the Torture Act came into force ranged from 10 days to 3 months. The number public agents who were acquitted or dismissed was always considerably higher than the number convicted, and of those convicted about 50 per cent were convicted of abuse of authority or bodily harm. When cases did end in conviction, law enforcement officials would appeal and

were seldom actually punished owing to the expiry of the period of legal responsibility. According to human rights lawyers and NGOs, prior to the Torture Act, the statute of limitations also undermined efforts to prosecute instances of torture. If a person is convicted after the statute of limitations has expired, the judge cannot impose a sentence of detention. It is also reported that this has encouraged corrupt judges to delay certain cases purposely, so that they could be dismissed.[72] To avoid waste of judicial resources, prosecutors frequently dismissed cases of bodily harm, certain that even if they managed to prosecute the responsible party successfully, the statute of limitations would likely have run out before conviction, thus eliminating the possibility of a term of imprisonment.

154. According to a number of officials, including members of the Commission on Human Rights of the Chamber of Deputies, public prosecutors and the police *corregedor* of the State of Minas Gerais and NGOs, torture cases are still often classified by judges as "bodily harm" or "abuse of authority". "Abuse of authority" and "bodily harm" were also said to be more commonly used by judges because they are more narrowly defined than torture. According to public prosecutors who had dealt with torture cases, after hearing testimonies from both the alleged victim and law enforcement officials, judges would often act *in dubio pro reo* and accept latters' statements to the effect that they "had not beaten a detainee, but only slapped him/her". They would then plead guilty to a lesser charge. According to NGOs, many judges consider the punishment applicable for the crime of torture as too severe. As a result, human rights prosecutors of Minas Gerais reported, for example, that there had been only two cases of prosecutions under the Torture Act in the state. It must be stressed that no one has ever been convicted of torture under the Torture Act in Brazil. The virtual ignoring of this law was the subject of a major conference held in September 2000 at the Court of Appeal in Brasilia, with support from the Secretariat of State for Human Rights and the National Forum of Police Ombudsmen. The latter is reported to have recommended, inter alia that the federal Government make the release of funds to national police departments subject to certain conditions, such as the creation of mechanisms to ensure that police officers subject to administrative proceedings are suspended from duty and the creation of autonomous and independent *corregedorias*.

155. The judicial system as a whole has been blamed for its inefficiency, in particular slowness, lack of independence, corruption, and for problems relating to lack of resources and trained staff, as well as the pervasive practice of impunity for the powerful. Judges and lawyers have reportedly been subjected to threats and intimidation. Despite their power in law, judges are often said to be under pressure not to act ex officio in relation, for example, to conditions of detention. A penal judge in Brasilia who had started to close down police stations was reportedly replaced. In March 1999 a Parliamentary Committee of Inquiry was appointed to look into deficiencies in the judiciary.

156. Finally, the Special Rapporteur notes that with respect to criminal offences committed by military police officers, the Military Criminal Procedure Code (Decree-Law No. 1002/69 of 21 October 1969) provides that they must be tried by the military justice system.[73] By Law 9299/96, jurisdiction has been transferred to ordinary courts in cases of intentional homicide (*homicidio doloso*) against a civilian[74]. However, the initial police inquiry continues to rest with the military investigators, and so does the classification of whether a crime is considered "intentional homicide" or "manslaughter". The crimes of bodily harm, torture and

manslaughter, when committed by military police officers, continue to fall within the exclusive jurisdiction of military courts, which are composed of four military officers and one civilian judge. The crime of abuse of authority does not exist in the military criminal code, and hence cases on this count may be filed against military police officers in ordinary courts. Prosecutions in military court reportedly take many years as the military justice system is said to be overburdened and inefficient. Furthermore, NGOs note a lack of willingness by military police officers to investigate fellow officers. According to the information received, as part of an attempt to reach a friendly settlement before the Inter-American Commission on Human Rights in the cases of Roselándio Borges Serrano and Edson Damião Calixto, the federal Government has submitted a draft law to Congress to broaden the crimes committed by military police officers to be judged by civil courts to include manslaughter, causing bodily harm and other crimes not included in the Penal Code but provided for in separate legislation, such as torture.[75]

III. CONCLUSIONS AND RECOMMENDATIONS

157. Brazil is a large complex South American country. It covers 8,531,500 square kilometres and has a population of 160 million persons. Most settlements are in the eastern part of the country adjacent or close to the Atlantic Ocean. The hinterland is more sparsely settled. The population is a mixture of Portuguese and other European immigrants, Blacks (mainly descended from the slave population of colonial times), mulattos and indigenous people.

158. It is the world's tenth largest economy, with 17.4 per cent of the population living below the poverty line. It is a federal State with strong powers vested in the individual states. While the criminal law is federal, the administration of justice in respect of crimes committed at the state level is wholly within the authority of the states, which are responsible for the organization and resourcing of the judiciary, the public prosecutor's office, the police and so on. Moreover, strong centres of political-party power at the state level can severely limit the influence of the federal Government, especially in terms of the composition of Congress, which is also vulnerable to pressure from the law enforcement apparatus, of which prominent Senators and Deputies are former members. A period of military government from 1964 to 1985, characterized by torture, enforced disappearances and extra-legal executions, still looms over the present democratic dispensation. There is freedom of political association and speech, including a vigorous press and an increasingly active civil society. But despite the existence of Law 9140 of 1995 which granted reparations to families of some victims of the military regime, there has been no full official accounting for the crimes committed by that regime.

159. As the Special Rapporteur has found in several countries, there is widespread public disquiet about the level of ordinary criminality, breeding a pervasive sense of public insecurity leading, in turn, to demands for draconian official reaction, sometimes without legal restraint. There has been a practice of some politicians and political parties to exploit this fear for electoral purposes.

160. However, the Special Rapporteur has the impression that those presently in power at the federal level, as well as at the level of the states he visited, were willing to adopt a discourse that affirmed principles of the rule of law and human rights. Some, often showing courageous

political leadership, were clearly committed to improving the corrupt and violent law enforcement machines they had inherited from previous administrations (see para. 61). Others seemed less disposed to translate the rhetoric into action (see para. 52).

161. Brazilian legislation has many positive aspects. The 1997 Torture Law has characterized torture as a serious crime, albeit in terms which limit the notion of mental torture by comparison with the definition contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984. After 24 hours' detention in a police station, that is, once a judicial warrant for temporary or provisional detention has been issued, a person should be transferred to a provisional (pre-trial) or remand detention facility. Free legal assistance should be available to those who do not have their own. Testimony obtained by torture should be inadmissible against the victims. A forensic medical service should be able to detect many cases of torture. Various categories of persons should be separated from each other (e.g. pre-trial detainees from convicted prisoners). Conditions of detention and treatment of detainees should be humane and, for juveniles at least, an educational experience. The problem is that they are widely ignored, an often complaisant judiciary upholding states' departure from the requirements on various grounds, be they unavailability of resources to implement the obligations or by placing unsustainable burdens on complainants to prove their complaints. The Torture Law is virtually ignored, prosecutors and judges preferring to use the traditional, inadequate, notions of abuse of authority and causing bodily harm. The forensic medical service, under the authority of the police, does not have the independence to inspire confidence in its findings.

162. Free legal assistance, especially at the stage of initial deprivation of liberty, is illusory for most of the 85 per cent of those in that condition who need it. This is because of the limited number of public defenders. Moreover, in many states public defenders (São Paulo is a notable exception) are paid so poorly in comparison with prosecutors that their level of motivation, commitment and influence are severely wanting, as are their training and experience. Thus vulnerable, the suspects are at the mercy of police, prosecutors and judges many of whom are only too glad to allow charges to be brought and sustained under legislation allowing little scope for removal from custody for long periods of often petty criminals, numbers of whom have been coerced into confessing to having committed more serious crimes than they may have actually committed, if they have committed any at all.

163. Similarly, there is a wide range of positive initiatives and institutions designed to ensure law-abiding law enforcement and protect those in the hands of the authorities. These include access by the Catholic Prison Ministry, community councils, state human rights councils, police and prison ombudsmen and internal affairs departments. Again, the problem is reliance on primarily volunteer work in respect of the first three (in many places community councils and state human rights councils either do not exist or do not function), or they are starved of the resources (as with some *ouvidorias*) and sometimes of the genuine independence necessary to do effective work (as with some *corregedorias*).

164. The exorbitant powers of heads of police station (*delegados*) in respect of the carrying out of investigations make most external investigation overly dependent on their goodwill and cooperation. Also, the split police system makes external monitoring of the military police, the body most frequently responsible for arrests in flagrante delicto, very difficult to monitor.

165. The training and professionalism of police and other personnel responsible for custody are often inadequate, sometimes to the point of non-existence. A culture of brutality and, often, corruption is widespread. The few rich suspects, if deprived of liberty at all or even convicted, can purchase tolerable or at least less intolerable treatment and conditions of detention than the many who are poor and usually black or mulatto or, in rural areas, indigenous.

166. Relatively few allegations arose in respect of the federal level or the Federal District. Torture and similar ill-treatment are meted out on a widespread and systematic[76] basis in most of the parts of the country visited by the Special Rapporteur and, as far as indirect testimonies presented to the Special Rapporteur from reliable sources suggest, in most other parts of the country. It is found at all phases of detention: arrest, preliminary detention, other provisional detention, and in penitentiaries and institutions for juvenile offenders. It does not happen to all or everywhere; mainly it happens to poor, black common criminals involved in petty crimes or small-scale drug distribution. And it happens in the police stations and custodial institutions through which these types of offender pass. The purposes range from obtaining of information and confessions to the lubrication of systems of financial extortion. The consistency of the accounts received, the fact that most detainees still bore visible marks consistent with their testimonies and that the Special Rapporteur was able to discover in almost all police stations instruments of torture as described by alleged victims such as iron and wooden bars make it difficult to refute the numerous torture allegations brought to his attention. On two occasions (see above paras. 35 (São Paulo) and 84 (Pará)), thanks to the information given by detainees themselves, the Special Rapporteur was able to discover large wooden sticks on which had been engraved by law enforcement officials laconic comments leaving no doubt as to their use.

167. In addition, conditions of detention in many places are, as candidly advertised by the authorities themselves, subhuman. The worst conditions the Special Rapporteur encountered tended to be in police cells, where people were kept for more than the 24-hour legally prescribed period. The Special Rapporteur feels constrained to note the intolerable assault on the senses he encountered in many of the places of detention, especially police lock-ups he visited. The problem was not mitigated by the fact that the authorities were often aware and warned him of the conditions he would discover. He could only sympathize with the common statement he heard from those herded inside, to the effect that "they treat us like animals and they expect us to behave like human beings when we get out".

168. Brazil is an open society with a vigorous press. These conclusions will come as no surprise to many in the country who are concerned to know the reality. The recommendations that follow are mainly a compilation of best practice to be found in the country itself, albeit in too sporadic and isolated measure. Indeed, several would merely require the authorities to obey existing Brazilian law.

169. In the light of the foregoing, the Special Rapporteur has formulated the following recommendations:

(a) First and foremost, the top federal and state political leaders need to declare unambiguously that they will not tolerate torture or other ill-treatment by public officials, especially military and civil police, prison personnel and personnel of juvenile institutions. They need to take vigorous measures to make such declarations credible and make clear that the culture of impunity must end. In addition to giving effect to the subsequent recommendations, these measures should include unannounced visits by them to police stations, pre-trial detention facilities and penitentiaries known for the prevalence of such treatment. In particular, they should hold those in charge of places of detention at the time abuses are perpetrated personally responsible for the abuses. Such responsibility should include, but not be limited to, the practice obtaining in some localities, according to which the occurrence of abuses during their period of authority will adversely affect promotion prospects and indeed should involve removal from office, which removal should not consist merely of transfer to another institution;

(b) The abuse by the police of the power of arrest without judicial order in flagrante delicto cases to arrest any suspect should be brought to an immediate end;

(c) Those legitimately arrested in flagrante delicto should not be held in police stations beyond the 24-hour period required for obtaining a judicial warrant of temporary detention. Overcrowding in remand prisons can be no justification for leaving detainees in the hands of the police (where, in any event, the conditions of overcrowding appear substantially to exceed those even in some of the most overcrowded prisons);

(d) Close family members of persons detained should be immediately informed of their relatives' detention and be given access to them. Measures should be taken to ensure that visitors to police lock-ups, provisional detention facilities and prisons are subjected to security checks that are respectful of their dignity;

(e) Any person under arrest should be informed of his/her continuing right to consult privately with a lawyer at any time and to receive independent free legal advice where he/she cannot afford a private lawyer. No police officer shall at any time dissuade a person in detention from obtaining legal advice. A statement of detainees' rights, such as the Law on Penal Execution (LEP), should be readily available at all places of detention for consultation by detained persons and members of the public;

(f) A separate custody record should be opened for any person under arrest, showing the time and reasons for arrest, the identity of the arresting officers, the time and reasons for any subsequent transfers, in particular to court or a Forensic Medical Institute, and the time a person is released from detention or transferred to a remand detention facility. The record or a copy of the record should accompany a detained person if he or she is transferred to another police station or a provisional detention facility;

(g) The judicial provisional detention order should never be implemented in a police station;

(h) No statement or confession made by a person deprived of liberty, other than one made in the presence of a judge or a lawyer, should have probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means. The Government is invited to give urgent consideration to introducing video and audio taping of proceedings in police interrogation rooms;

(i) Where allegations of torture or other forms of ill-treatment are raised by a defendant during trial, the burden of proof should shift to the prosecution to prove beyond reasonable doubt that the confession was not obtained by unlawful means, including torture or similar ill-treatment;

(j) Complaints of ill-treatment, whether made to the police or other service itself or the internal affairs department of the service (*corregedor*) or its ombudsman (*ouvidor*) or a prosecutor, should be expeditiously and diligently investigated. In particular, the outcome should not be dependent only on proof in the individual case; patterns of abuse should be similarly investigated. Unless the allegation is manifestly ill-founded, those involved should be suspended from their duties pending the outcome of the investigation and any subsequent legal or disciplinary proceedings. Where a specific allegation or a pattern of acts of torture or similar ill-treatment is demonstrated, the personnel involved, including those in charge of the institution, should be peremptorily dismissed. This will involve radical purging of some services. A start could be made by purging known torturers from the period of the military Government;

(k) All states should implement witness protection programmes along the lines established by the PROVITA programme for witnesses to incidents of violence by public officials, which ought to extend fully to cover persons with a previous criminal record. In cases where current inmates are at risk, they ought to be transferred to another detention facility where special measures for their security should be taken;

(l) Prosecutors should bring charges under the 1997 law against torture with the frequency dictated by the scope and gravity of the problem and request that judges enforce the law's provisions prohibiting bail of those charged. Attorneys-General, with the material support of gubernatorial and other relevant state authorities, should assign sufficient qualified and committed prosecutorial resources for the criminal investigation of torture and similar ill-treatment and for any appellate proceedings. In principle, the prosecutors in question should not be the same as those responsible for prosecuting ordinary criminality;

(m) Investigations of police criminality should not be under the authority of the police themselves, in principle, an independent body with its own investigative resources and personnel. As a minimum, the Office of the Public Prosecutor should have the authority to control and direct the investigation. They should also have unrestricted access to police stations;

(n) Positive consideration at the federal and state levels should be given to the proposal to create the function of investigating judge, whose task would be to safeguard the rights of persons deprived of liberty;

(o) If for no other reason than to bring an end to chronic overcrowding in places of detention (a problem that building more detention places is unlikely to be able to solve), a programme of awareness-raising within the judiciary is imperative to ensure that this profession, at the heart of the rule of law and the guarantee of human rights, becomes as sensitive to the need to protect the rights of suspects, and indeed of convicted prisoners, as it evidently is to repress criminality. In particular, the judiciary should take some responsibility for the conditions and treatment which befall those they order to remain in pre-trial detention or sentence to terms of imprisonment. When dealing with ordinary criminality, they should also be reluctant, when alternative charges are available, to proceed with charges that prevent the grant of bail, rule out alternative sentences, require closed-regime custody, and limit progression of sentences;

(p) For the same reason, the law on heinous crimes and other relevant legislation should be amended to ensure that often long periods of detention or imprisonment are not imposable for relatively low-level criminality. The crime of "disrespecting authority" (*desacatar functionario publico no exercisio de sua function*)[77] should be abolished;

(q) There should be sufficient public defenders to ensure that legal advice and protection are available for every person deprived of liberty from the moment of arrest;

(r) Greater use should be made of and the necessary resources provided for such institutions as community councils, state councils on human rights and police and prison ombudsmen. In particular, fully resourced community councils, which include representatives of civil society, notably human rights non-governmental organizations, with unrestricted access to all places of detention and the power to collect evidence of official wrongdoing, should be established in each state.

(s) The police should be unified under civilian authority and civilian justice. Pending this, Congress should approve the draft law submitted by the federal Government to transfer to the ordinary courts jurisdiction over manslaughter, causing bodily harm and other crimes including torture committed by the military police;

(t) Police stations (*delegacias*) should be transformed into institutions offering a public service. The "clean police stations" (*delegacias legais*) being pioneered in the State of Rio de Janeiro is a model to be emulated;

(u) A qualified medical professional (a doctor of choice, where possible) should be available to examine every person on being brought to and on leaving a place of detention. He/she should also have the necessary medicines to meet the detainees' medical needs and the authority to have the detainees transferred to a hospital independent of the detaining authority if those needs cannot be met. Access to the medical profession should not be dependent on the personnel of the detaining authority. Professionals working in institutions of deprivation of liberty should not be under the authority of the institution, nor the political authority responsible for it;

(v) The forensic medical services should be under judicial or other independent authority, not under the same governmental authority as the police; nor should they have a monopoly of expert forensic evidence for judicial purposes;

(w) The appalling overcrowding in some provisional detention facilities and prisons needs to be brought to an immediate end, if necessary by executive action, for example by exercising clemency in respect of certain categories of prisoners, such as first-time non-violent offenders or suspected offenders. The law requiring separation of categories of prisoner should be implemented;

(x) There needs to be a permanent monitoring presence in every such institution and in places of detention of juveniles, independent of the authority responsible for the institution. The presence would in many places require independent security protection;

(y) Basic and refresher training for police, detention personnel, public prosecutors and others involved in law enforcement that would include human and constitutional rights subjects, as well as scientific techniques and other best practices for the professional discharge of their functions, needs to be provided urgently. The United Nations Development Programme's human security programme could have a substantial contribution to make here;

(z) The proposed constitutional amendment that would under certain circumstances permit the federal Government to seek Appeal Court authorization to assume jurisdiction over crimes involving violation of internationally recognized human rights should be adopted. The federal prosecutorial authorities will need substantially increased resources for them to be able effectively to discharge the new responsibility;

(aa) Federal funding of police and penal establishments should take account of the existence or otherwise of structures to guarantee respect for the rights of those detained. Federal funding to implement the previous recommendations should be available. In particular, the law on fiscal responsibility should not be an obstacle to giving effect to these recommendations;

(bb) The Government should give serious and positive consideration to accepting the right of individual petition to the Committee against Torture, by making the declaration envisaged under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(cc) The Government is also urged to consider inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country;

(dd) The United Nations Voluntary Fund for the Victims of Torture is invited to consider sympathetically requests for assistance by non-governmental organizations working for the medical needs of persons who have been tortured and for the legal redress of their grievance.

Notes

[1] Initial report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment submitted by the Government of Brazil (CAT/C/9/Add.16), paras. 80, 82, 83. Unpublished as of this writing.

[2] According to the office of the prosecutors for juvenile offences, *Imigrantes* held more than 1,400 youths while its official capacity was 320.

[3] A number of states, such as São Paulo and Pará, have nevertheless passed supplementary prison laws.

[4] Article 144, (0) IV and (6), Constitution of the Federative Republic of Brazil.

[5] Ibid., art. 144 (4).

[6] Ibid., art. 144 (5).

[7] Ibid., art. 5 (LXI).

[8] Ibid., art. 5 (LXII).

[9] Ibid., art. 5 (LXVIII).

[10] Article 301 of the Criminal Procedure Code provides that "any citizen may and the police authority and its agents shall arrest anyone caught in the act of committing a crime".

[11] Article 5 (LXIII).

[12] The Special Rapporteur notes with appreciation the example of the Public Defender's Office of the State of Rio de Janeiro which, through on-site offices within prisons, provides legal services to convicted prisoners seeking to progress through the different regimes of the prison system (see paras. 115ff below).

[13] The same proposal purports also to eliminate the division between civil and military police and replace them by a single state police.

[14] Article 323 of the Code of Criminal Procedure provides that no bail shall be allowed for crimes bearing a minimum penalty of more than two years' imprisonment and if there exists evidence that the suspect is a vagrant.

[15] Article 312 of the Code of Criminal Procedure.

[16] In the federal justice system, the period allowed for completion of the police inquiry is 15 days (article 66 of Law No. 5010/66).

[17] Article 2 of the Law No. 7960 of 21 December 1989 which makes provision for temporary detention.

[18] Ibid., art. 2 (3).

[19] Ibid., art. 2 (4).

[20] Ibid., art. 2.

[21] Law No. 8072/90 of 25 July 1990.

[22] STJ - HC 10855.

[23] Often translated in English by "public jails".

[24] Article 103 of the LEP.

[25] STF HC 72.742 RJ.

[26] See, for example: "Although a police station is not an adequate place for serving a sentence, the convicted must because of the lack of space in a penitentiary institution support the burden of such irregular situations up to the moment he may be transferred to such an institution. This situation does not amount to illegal constraint since there is a fair justification based on the absence of space for him in a penitentiary institution." (Unofficial translation, High Court of the State of Rio de Janeiro, Habeas Corpus 815/94).

[27] See, for example, Decision HC 7328.

[28] Article 66 of the LEP.

[29] Article 2 (1) of Law No. 8072 of 25 July 1990.

[30] Law No. 9034/95.

[31] Law No. 9455 of 7 April 1997.

[32] Ibid., art. 82.

[33] Ibid., art. 87.

[34] Ibid., art. 88.

[35] Ibid., art. 91.

[36] Human Rights Watch (1998), Behind Bars in Brazil, p. 2.

[37] Article 37 of the Penal Code and article 82 of the LEP.

[38] Article 83 (2) of the LEP.

[39] Ibid., art. 77 (2).

[40] Ibid., art. 41.

[41] Ibid., art. 41 (2).

[42] Ibid., art. 43.

[43] Article 53 of the LEP.

[44] Ibid., art. 58.

[45] Ibid., art. 50.

[46] Ibid., art. 58.

[47] Ibid., art. 60.

[48] Ibid., arts. 45 and 59.

[49] Ibid., art. 57.

[50] Article 61 of the LEP.

[51] The National Council of Criminal and Penitentiary Policy, which is under the Ministry of Justice (article 62 of the LEP), has a state and federal mandate to inspect and check the penitentiaries, as well as to get information, through reports of the Penitentiary Council, requisitions, visits or other means, about the development of penal execution in the states, territories and Federal District, proposing to the responsible authorities the necessary measures for its improvement and to make representation to the penal execution judge or any other administrative authority regarding the institution of an inquiry or an administrative procedure, when there is a violation of the provisions of the LEP.

[52] LEP., art. 66.

[53] Ibid., art. 68.

[54] Ibid., art. 70 (II).

[55] In accordance with article 80 of the LEP, the Community Councils must be composed of, at least, one representative of a commercial or industrial association, one lawyer elected by the Brazilian Bar Association (*Ordem dos Advogados do Brasil*) and one social worker chosen by the Sectional Delegation of the National Council of Social Workers.

[56] LEP., art. 81.

[57] On the criminal liability of children, article 228 of the Constitution stipulates that "minors under eighteen years of age may not be held criminally liable, subject to the rules of special legislation". Article 104 of the 1990 Statute of the Rights of the Child and Adolescents provides that "(s)subject to the measures specified in this Law, minors of less than eighteen years of age are not penally imputable."

[58] Article 2 of the ECA provides that a child is considered a person who has not yet completed 12 years of age and an adolescent as between 12 and 18 years of age. In cases specified in law, the Statute applies to persons between 18 and 21 years.

[59] According to article 117 of the ECA, community service "consists in the carrying out of non-remunerated tasks of general interest for not more than six months at hospitals, schools, other such institutions and in community and governmental programmes".

[60] Articles 118 and 119 of the ECA provide that a trained person will "socially promote the adolescent and his family", supervise his school attendance, assist with vocational training and work towards the adolescent's insertion in the job market. The measure is to take a minimum period of six months, which can be extended.

[61] According to article 120 of the ECA, semi-liberty can be determined as a transition measure to the open system or from the beginning, it is not subject to limitations of time, and makes education and vocational training obligatory.

[62] Article 101 provides for II - temporary guidance, support and monitoring; III - obligatory enrolment and attendance in Government based education institutions; IV - inclusion in community or government programmes of family, child and adolescent assistance; V - medical, psychological or psychiatric treatment in a hospital or outpatient system; VI - inclusion in a government or community programme of aid, orientation and treatment of alcoholics and drug addicts; VII - shelter; VIII - placement in foster family.

[63] Article 121 of the ECA.

[64] Ibid., art. 107. Articles 230 and 231 of the ECA provide that failure to comply with these provisions should be punished with detention from six months to two years. Article 234 of the ECA further provides that failure by the proper authority, without just cause, to order the immediate release of the adolescent, upon knowing of the facts, shall be subject to the same punishment.

[65] Article 142 of the ECA provides that minors of less than 16 years will be represented and that those "aged sixteen or more and less than twenty-one years ... will be assisted by their parents, custodians or guardians", according to civil and procedural legislation.

[66] Article 124 of the ECA.

[67] Pursuant to Article 86 of the ECA, the rights of minors will be implemented through joint effort by the federal government, states, the Federal District (Brasilia) and municipalities. Article 88 foresees, inter alia, the creation of municipal, state and national councils of child and adolescent rights, charged with controlling their implementation at all levels, with the involvement of NGOs, as well as the participation of the judiciary branch, the Office of the Attorney-General, the Office of the Public Defender, the Public Security and Social Assistance, with a view of facilitating initial assistance to adolescents to whom an infraction has been attributed. Article 131 of the ECA provides for the creation of a Council of Guardianship, a permanent, autonomous, non-jurisdictional entity, composed of members of the municipality,

charged with observing the implementation of the rights contained in the statute. It is, inter alia, their duty to inform the Office of the Attorney General of facts that constitute "administrative or penal infractions against the rights of the child or adolescent" (article 136 (IV)) and to oversee the application of article 101 ECA to juvenile offenders.

[68] Since 1996, seven states have adopted a witness protection programme along the lines of the PROVITA model in which civil society groups assume primary responsibility for the protection of witnesses and the Government guarantees financial resources. This model offers an alternative to many State-run programmes which have reportedly been criticized for holding witnesses in "near-prison" conditions. According to the information received, the PROVITA programme does not, however, extend to witnesses with prior criminal convictions.

[69] According to the *ouvidor*, some 37,000 police officers are working in the State of São Paulo.

[70] The remaining part of paragraph 4 reads as follows: "(b) against children, pregnant women, the impaired or adolescents; (c) upon kidnapping".

[71] Ibid.

[72] United States Department of State, 1999 Human Rights Report (20 January 2000) - Brazil.

[73] Article 9 (1) of the Military Penal Code (Decree-Law No.1001/69 of 21 October 1969) provides that military crimes are crimes covered in the Military Penal Code "when they are defined in a different way in civil penal law, or those anticipated in it, regardless of who commits them, except for special disposition" and, pursuant to paragraph 2, crimes outlined in the Code "even though they may have the same definition in civil penal law, when they are committed … (b) by military personnel on active duty or similar status in a place subject to military administration, against reserve military personnel, retired military or someone similar, or against a civilian; (c) by military personnel on duty, on a commission of a military nature, or in formation, even outside the place subject to military administration, or against reserve military personnel, retired or similar status, or against a civilian".

[74] Article 1 modifies article 9 of the Military Penal Code, by adding the sole paragraph which stipulates that "(c)rimes contemplated in this article, when wilfully practised against the life of a civilian, shall fall under the responsibility of the common Justice". It further modifies and adds to article 82 of the Military Criminal Procedure Code, by providing, in paragraph 2, that "(i)n wilful crimes practised against the life of civilians, the Military Justice shall forward to the common Justice the documents of the military police proceedings".

[75] In February 2001, the State of Pernambuco informed the Secretary for Human Rights that they would submit a draft law to the Legislative Assembly to pay compensation in civil damages to the value of 15,000 reais to Edson Damião Calixto and to two heirs and successors of Roselândio Borges Serrano for damages caused by public agents.

[76] As far as the term "systematic" is concerned, the Special Rapporteur is guided by the definition used by the Committee against Torture: "The Committee considers that torture is practised systematically when it is apparent that torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of a Government. It may be the consequence of factors which the Government has difficulty in controlling, and its existence may indicate a discrepancy between policy as determined by the central Government and its implementation by the local administration. Inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice" (A/48/44/Add.1, para. 39).

[77] Article 331 of the Penal Code.

Annex

Individual cases[*]

State of Alagoas

1. **Anderson dos Santos**, a student, was allegedly beaten with a 12-calibre rifle by a military police officer in Maceió on 26 August 1999 because his dog had apparently entered the officer's house. He allegedly had bruises on his body and underwent an official medical examination. The Military Police General Commandant in Alagoas has reportedly been informed about the incident.

2. **Cícero Queiroz Barbosa** was allegedly arrested in his nephew's apartment by seven civil police officers and a police chief on 14 July 1999 in Maceió. It is believed that he was kept in a little truck where he was reportedly beaten with a towel, a piece of plastic, a rubber stick, a knife and ropes.

3. **Ronaldo Guedes da Silva**, aged 22, was allegedly arrested on 5 August 1999 in Maceió and taken by police officers to a bar where he had a debt of 16 reais. According to the information received, he was beaten by the police officers.

4. **José Alfredo da Silva** and **Cícero José da Silva** were allegedly arrested on 21 January 2000 and taken to the Novo Lino Police Station in Alagoas where they were reportedly beaten by police officers. The Military Police General Commandant in Alagoas and the Public Security Secretariat have apparently been informed about the incident.

5. **Hélio Pereira da Silva Júnior** was allegedly arrested on 8 April 1999 in Maceió and taken to the 5th district police station for allegedly having stolen a soft drink. He was reportedly kicked, given electro-shocks and showered with cold water by nine civil police officers. According to the information received, he died as a result of the beatings. An autopsy was reportedly carried out later. It is believed that there were several witnesses to the case. The Office of the Public Prosecutor has allegedly been informed about the incident.

6. **Cícero Rosendo da Silva**, a street vendor, was allegedly arrested by civil police officers in Maceió on 15 May 1998, allegedly for theft. According to the information received, he was beaten, subjected to the technique known as the "parrot's perch", held under water and subjected to Russian roulette. A judicial inquiry has reportedly been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

State of Amazonas

7. **Pedro Alves França** was allegedly arrested in Manaus on 9 June 1996 for allegedly having participated in an armed robbery. Police officers allegedly placed a plastic bag over his

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[*] For ease of reference, the individual cases have been arranged by State.

head, tried to suffocate him, kicked him and punched him on several occasions. It is reported that the Forensic Medical Institute (IML) registered lesions consistent with his allegations. The office of the *corregedor* reportedly opened an inquiry in 1998. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

State of Bahia

8. **Mônica Ferreira da Silva** was allegedly beaten by the *delegado* and her son in front of the police station of Ibicuí on 31 January 1999. She was reportedly punched, kicked and slapped on her head and ears because she had allegedly verbally insulted the wife of the police chief. According to the information received, the beatings produced lesions on her cervical column and she could not move her right arm. The police chief reportedly nicknamed her "little neck" and he is reported to refer to her publicly in this manner. She was reported to have been taken to the Ibicuí hospital where she underwent an official medical examination on 12 February 1999. The incident was allegedly reported to the Secretariat for Public Security on 19 March 1999. According to the information received, the official medical examination report has disappeared from the regional police station of Itapetinga.

9. **M.S.**, aged 17, and **Israel da Silva Quirino** were allegedly arrested by military police officers from the 6th Battalion on 9 June 1999 in Salvador, on suspicion of using drugs. They were slapped in the face several times. The minor is reported to have admitted under pressure to having used drugs. It is said that he was taken to the 7th district police station where he was detained. He was allegedly released a few days later.

10. **José Carlos Machado, Carlos Alberto Araújo, Roberto Cruz Santos, Marcos Martins, Antônio Carlos Cafezeiro, Marcos Davi da Silva Dantas, Adevaldo Mirando de Souza, Ronaldo da Silva Santana, Reginaldo Ferreira dos Santos, Ademar Jesus dos Santos, Wilian Nunes dos Santos, Luiz Carlos Azevedo dos Santos, Nivaldo Silva de Jesus Filho, Givânio Vieira da Silva, Idalício Pereira da Paixão, Giovani dos Santos Senna, Luzimar Silvestre Alves, Josué de Araújo, Vanderval Lima Viana, Aloísio Pereira de Brito, Valdício dos Santos and Fernando Rosendo da Silva**, all detainees at Lemos Britos Prison in Salvador, were reportedly beaten by military police officers on 19 January 2000, allegedly with the approval of the prison's board of directors. It is reported that Catholic clergy visiting the jail observed marks and lesions on the prisoners' bodies. Some of them are said to have undergone an official medical examination which allegedly registered lesions consistent with their allegations

11. **Walter de Jesus, Carpegiane de Oliveira** and **Delson Julio de Aragão Filho** were reportedly arrested by six military police officers on 29 September 1997 in Itamaraju. The police officers allegedly took them to an isolated area close to a river and tried to drown them several times in order to make them confess to the shooting of a police officer which had occurred nearby. They were then reportedly beaten by the police officers. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

12. **José Carlos Vieira da Silva, José Roberto Vieira da Silva** and **U.S.N.**, a minor, were reportedly taken to a police unit in Salvador on 22 March 1997 for having allegedly stolen a

television set from a police officer. They were allegedly punched, kicked, beaten with an iron chain and a *palmatória* and hit with a gun butt by four military police officers and one civil police officer. They reportedly had their arms broken, their heads severely injured and large wounds on various other parts of their bodies. According to the information received, they were later transferred to a police station but, due to their physical state, they were not accepted and were taken to a hospital. It is reported that they underwent an official medical examination. No one has reportedly been punished or received any reprimand and the police officers allegedly involved in the incident are said to be still working in the same police station.

13. **W.M.S.**, aged 17, and **M.S.**, aged 14, were allegedly arrested in a restaurant in Alagoinhas on 2 May 1999 on suspicion of drug use. According to the information received, the police officers took 7,000 reais from them declaring that the money was allegedly a "product of narcotics trafficking". They were reportedly beaten by the police officers, especially on their genitals. The minors were allegedly taken to a local police station and were reportedly not allowed to contact a lawyer. It is reported that they were released on the following day.

14. **Jaime Antonio dos Santos Souza**, a mentally disabled person, was allegedly beaten on his hands with a *palmatória* and with a broomstick by a military police officer in a police unit in Salvador on 16 May 2000. It is said that he was playing near the police unit and that this had bothered police officers. According to the information received, as a result of the incident he sustained bruises on his body and his hands were reportedly swollen for 10 days. It is reported that he was taken to Roberto Santos Hospital. The incident was allegedly reported to the Public Prosecutor Service on 17 May and he is believed to have undergone an official medical examination on the same day.

15. **Márcio Remígio Gomes**, a public employee, and **Edvaldo Costa Miranda**, a locksmith, were reportedly arrested on 23 September 1999 in Euclides da Cunha allegedly for having received stolen goods. They are believed to have been beaten by the police chief during their transfer to a police station in Salvador. According to the information received, the police chief took them to the Secretariat for Public Security where he presented them to the media. They were later reportedly taken to the São Caetano police station where it is believed that they were beaten again. On 28 September they were allegedly put in the boot of the police chief's car in order to hide them from their relatives and lawyers. They were allegedly transferred to Juazeiro where, according to the information received, they were beaten, given electro-shocks on their testicles and tongue and plastic bags were placed over their heads. A judicial inquiry has reportedly been opened. They allegedly underwent an official medical examination which is said to have registered lesions consistent with their allegations. Some material allegedly used in the beatings was reportedly seized by the public prosecutors. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

16. **Roberto França**, aged 23, was allegedly detained at the 23rd district police station in Salvador on 9 April 1999. He was reportedly taken to Menandro de Farias hospital where he died. An autopsy is said to have been carried out and to have revealed that he had been subjected to torture.

17. **Arlindo Antonio Barros**, a detainee at Lemos Brito Prison in Salvador, reportedly suffered from a hernia in his genital area. According to the information received, he underwent three medical examinations which concluded that he needed surgery. It was reported that he had his operation scheduled for 16 November 1997 at Manoel Vitorino Hospital. According to the information received, the police officers in charge of transporting him to the hospital did not want to wait ten minutes for the doctor's arrival and took him back to the prison. He is said to be still suffering from the same problem.

18. **José Carlos de Oliveira**, an 18-year-old farm worker, was reportedly arrested in February 1999 in Irecê allegedly accused of having stolen a motorcycle. According to the information received, we was taken to the local police station where he was reportedly subjected to the technique referred to as the "parrot's perch" and had his fingernails removed. He reportedly had a broom handle introduced into his anus and his buttocks burned with a melted plastic bag. He allegedly had his ribs and collarbone broken and bruises all over his body due to the beatings. Three days after his arrest he was reportedly taken to Irecê Regional Hospital and later transferred to Roberto Santos Hospital in Salvador, where it is believed he remained for one week.

State of Ceará

19. **Francisco Assis de Sousa Campos**, aged 18, and his father, **José Haroldo Fernandes Campos**, were reportedly approached by some police officers on 9 December 1999 inside a bus between Natal and Fortaleza. Francisco Assis de Sousa Campos is reported to have been considered suspicious because he was sleeping with his right arm connected to an intravenous serum tube to treat his chronic kidney disease. He was reportedly slapped in the face and beaten by a police officer for 20 minutes. He is said to have been taken to the back of the bus where a police officer searched him. José Haraldo Fernandes Campos is reported to have been beaten by another police officer, who reportedly punched him in his testicles. Both of them were allegedly forced to get out of the bus. Francisco Assis de Sousa Campos reportedly already had a wound on his left leg which broke open because of the beatings. It is believed that they were both threatened by the policemen with a shotgun aimed at José Haroldo Fernandes Campos. It is reported that a few days later they lodged a complaint with a public prosecutor and identified photos of one of the police officers. On 17 December 1999 both men reportedly underwent an official medical examination.

20. **Alexander Costa e Silva**, a trader, was reportedly beaten to death by policemen on duty at the local prison of Aracati on 27 January 2000. According to the information received, a medical report carried out just before his death confirmed the torture allegations.

21. **Marcos Studart** and **Valdir Gomes Soares**, a photographer and a driver for the newspaper *O Povo*, respectively, were reportedly attacked and beaten by the mayor of Hidrolândia and two of his employees on 22 February 2000 when they allegedly visited the municipality in order to investigate accusations of corruption. They are said to have had cuts, scratches and bruises all over their bodies and to have been sent for medical care. According to the information received, the case was made public in the media and referred to the State General Attorney.

22. **Francisco Antônio Moraes do Nascimento**, a shoe shiner, was reportedly beaten up, kicked and whipped by a military policeman in front of the local police station in the Polo de Lazer in Barra do Ceará on 1 January 2000. It is believed that he was beaten because he did not have the necessary papers for carrying on his trade with him. An investigation is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the investigation.

23. **José Iran Alencar** was reportedly beaten up by policemen at the public prison of Potengi on 11 October 1999. He is said to have had wounds on the chest and on his head and to have undergone examinations at the Forensic Medical Institute. The case is said to have been reported to the authorities.

Federal District of Brasilia

24. **Juarez Fernado Leite** and **João Wellington Brandão** were allegedly arrested on 23 September 1996 in Tocantins State and taken to a police station in Brasilia where they were allegedly beaten. According to the information received, they underwent an official medical examination on the same day and lesions consistent with their allegations were said to have been registered. They were allegedly taken back to the police station where, according to the information received, they were again beaten by police officers. It is said they underwent a second official medical examination on 25 September 1996. The medical report allegedly registered burns sustained through electric shocks. A judicial inquiry was reportedly opened. The policemen were believed to have been discharged on the grounds that it was impossible to know if the lesions had been caused in Tocantins or in the Federal District. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

25. **Frederico Breda Leite**, a detainee at the 14th district police station in Brasilia, was allegedly beaten by two civil police officers on 29 November 1998. According to the information received, the police officers punched him, kicked him and subjected him to electric shocks in order to make him sign a confession to a vehicle theft. A judicial inquiry has reportedly been opened but allegedly not concluded. Public prosecutors are said to have lodged an official complaint against the policemen involved in the incident. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

State of Goias

26. **Ascendino Caixeta da Silva** was allegedly arrested in December 1999 on suspicion of robbery and taken to the Valpariso police station in Goiás where, according to the information received, he was beaten by police officers. He is said to have been later transferred to the Luziânia police station where he was reportedly beaten again. It is believed that visitors had seen lesions on his body consistent with his allegations. He reportedly testified about the incident; however, his testimony is said to have disappeared from the files of the administrative procedure that had been opened. It is believed that the accusation had been filed by the police *corregedor*. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

27. **Jose Roberto Leite da Silva** was reportedly arrested by police officers, in civilian clothes but heavily armed, in Pendegal on 24 August 1999. It is believed that he had witnessed some shootings on the street. He was allegedly kicked in the stomach and threatened with death. A 9-year-old boy who witnessed the incident is said to have been arrested at the same time. The boy's head was covered with a bag and both were taken to an unknown location. It is believed that they were taken to the military police headquarters, where it is reported that Jose Roberto Leite da Silva was tortured to death. He was reportedly taken outside and given electric shocks. Wires were said to have been applied to his handcuffs. It is believed that he died the following morning. The boy was eventually released the same morning. The father of the victim tried to report the incident for two months, but police departments reportedly refused to register his statement. The boy is said to have recognized some of the officers allegedly responsible for the death of Jose Roberto Leite da Costa. The body of the latter was found on 26 August in Lusiana (200 km from Pendegal) and was buried without a name and registered as a homeless person. It was later exhumed. An autopsy revealed three bullet wounds in the face, as well as 30 injuries on the body, which confirmed that he had been tortured. His genitals had been reportedly cut off. According to the information received, on 9 September 1999, the Human Rights Commission of the Chamber of Deputies recorded the statement of the boy and forwarded the file to the public prosecutor's office. The Governor is reported to have promised that the perpetrators would be brought to justice and that compensation will be paid to the victim's father. Nine police officers, including the officer commanding the company, are said to be awaiting trial on charges of murder, torture, abuse of authority and misuse of police equipment. The father of the victim and the young boy are reported to have received death threats. The Special Rapporteur would be grateful to receive information about the outcome of those trials and on the measures taken to protect the witnesses, in particular the young boy who was believed to be in an orphanage under the protection of the State of Goias.

28. **Sandro Perreira**, from Padefe (Minas Gerais), was reportedly arrested by civil police officers at his father's house in Lago Azul on 24 May 1999. At 4 a.m., persons later known to be police officers reportedly knocked on his door and called out his wife's name. When he opened the door, they allegedly threw him on the ground and severely kicked him. No arrest warrant was reportedly presented to him. He was reportedly taken in a police car to the 6th district police station of Paranua, in the Federal District of Brasilia. Sandro Perreira asked what the arrest was about, but was said not to have been given any reason. In the police station, he was allegedly placed in a cell. Two or three hours later, he was reportedly taken into a little room, where he was tied up and handcuffed. The officer allegedly beat him, in particular on his ears ("telephone torture"). At 5.30 p.m., he was brought back to the same room where there was said to have been a wet mattress on the ground. He was reportedly forced to kneel on the mattress and was beaten again on his face and ears. The officers allegedly took off his handcuffs and forced him to take off his clothes. They then reportedly took two big bandages and tied up his face down to his neck and bound his feet together. Then they are said to have hung him upside down over a bucket full of water. Five police officers reportedly questioned him about a person he did not know. On several occasions, the rope was loosened and his head hung in the water. When he overturned the bucket, a police officer reportedly said that they had more water. When Sandro Pereirra stated that he did not know what the police wanted to know, the police allegedly started beating him on the back with a wooden stick. One police officer reportedly put him down on the wet mattress, placed implements on his thighs and covered his mouth. He was

then allegedly given electric shocks and started shaking and bleeding from the mouth. The police officers reportedly increased the electric shocks and stated that since he was "big and strong", he "could take a lot". They threw water on his face. As a result of the bandages which were covering his nose and mouth, he could not breathe. In the early evening, he was taken back to the cell. The following day, between 5 and 6 p.m., which is believed to be the end of a shift, he was reportedly taken back to the same room and subjected to "telephone torture" for some thirty minutes. He was reportedly forced to sit on a chair and four police officers were standing behind him, questioning and beating him. He is believed to have started to bleed from one ear. One of the police officers is said to have stepped on his chest, whilst the others were reportedly kicking and slapping him. The *delegada* is said to have ordered her colleagues to keep beating him until he spoke. Sandro Perreira is reported to have managed to give a note to another detainee leaving the police station in order to inform his family of his detention. On the following morning, his family, accompanied by a lawyer is said to have arrived at the police station while he was in the process of being transferred to the police station in Paranoa. He was reportedly permitted to speak to his family on condition that he did not mention the torture he had been subjected to, in which case he would be killed. He was reportedly given a long-sleeved shirt and trousers and some cotton was put in the ear which was bleeding. He was reportedly told to say that he had water in his ear. According to the information received, three police officers were present in the room when he met with his family. His request to speak to them alone was reportedly turned down. He then met his lawyer in the presence of a police officer. After the departure of his family, he was reportedly taken to a police car in which he was allegedly beaten and asked "where the others lived". He was then reportedly driven to a dirt road and at some point told to get out of the car and start running, still handcuffed, because of a supposed flat tyre. Thinking that he would be executed if he did so, he refused and told them that they would have to shoot him in the police car. He was then driven back to Parana police station, where he was reportedly beaten again. Relatives of another detainee reportedly saw him lying on the floor in the room. He was then allegedly locked into an individual cell for the next eight days. He was allegedly threatened with death. As a result of the torture, he was said to be suffering from an ear infection and puss was said to be discharging from his ear. The police officers are then believed to have realized that his ear was infected and he was taken to Sobradinho Hospital where he was treated by an ear and nose specialist, who stated that he had no more eardrums. He was reportedly examined in the presence of four police officers who are said to have responded to the questions of the medical doctor. One of the police officers reportedly stated that Sandro Pereirra had water in his ear, however the latter indicated with his hands that "telephone torture" had occurred. The doctor reportedly refused to hand over the medical certificate to the police and to have kept it. The medical report is said to confirm the torture allegations. Around 5.30 p.m., Sandro Pereirra was reportedly taken back to the same room in the police station and beaten again. He was then taken back to the individual cell where he tried to hang himself with his shirt. He was reportedly taken out of the cell by a police officer who tried to prevent him from committing suicide. He was taken to another cell where other detainees were held. The following day, he is said to have been allowed to see his family, but in the presence of a police officer. He was again reportedly instructed not to talk about the treatment he had been subjected to. However, when the police officer was called out of the room, Sandro Perreira reportedly managed to show his family his wounds and told them about the electric shocks. He is said to have told them to go to court to have the court find out what was happening to him. According to the information received, he was seen by a prosecutor and then transferred to the 2nd district police station, commonly known as Pisa Norte. He was allegedly stripped naked and told how he should explain the marks on his body to the forensic doctor he was going to see the following day. He is believed to have shown all the marks to the forensic doctor at the IML and to have told him about the torture he had allegedly been subjected to. The medical certificate issued at that time is reported to have mentioned "no observation of injuries". He was then allegedly threatened with being sent to the "worst police station in Brasilia", the 2nd district police station, and the *delegado* is said to have ordered him to be held incommunicado for the following 30 days, i.e. until his injuries healed. After several requests, and after suffering from a convulsion, he was reportedly taken to a public hospital, where he requested an x-ray of his whole body. A blood clot was reportedly discovered in his stomach. He requested the doctor to note down all the injuries he had suffered. One day later, he was taken back to the IML where two doctors examined him. This time, they reportedly had to describe all the injuries in detail and a medical report was issued. He was subsequently returned to the 2nd district police station. A couple of days later, he was reportedly heard by a judge and was asked to identify the responsible police officers, which he is said to have done. The police had allegedly threatened him and his family members with death, if he were to identify the officers responsible. According to the information received, he had been arrested on the basis of a witness's testimony on charges of participating in a gang robbery. The judge had reportedly issued a warrant for five days' arrest, prolonged by another five days (temporary detention), but he had allegedly been held in a police station for 76 days before seeing a judge for the first time. After the first ten days, the judge is reported to have issued an order for his preventive detention. Until that point, no hard evidence about his involvement in a gang or a robbery is said to have been found and no inquiry is said to have been carried out. A later inquiry is said to have discovered evidence of the existence of a gang but not of a specific robbery. The charge was reportedly therefore reduced to membership in a gang, which does not carry a penalty of imprisonment. After five months, he was allegedly found innocent. During the trial proceedings, it was reportedly proved that the witness statement implicating Sandro Fereirra had been extracted under torture. His medical records were reportedly shown to the judge responsible for his trial and the prosecuting attorney in order to have proceedings opened regarding the torture allegation. The prosecuting attorney is said not to have wanted to take up the case. It is not known whether any action has been taken with respect to his torture complaint. At the time of the interview, on 21 August 2000, marks consistent with his allegation, such as a scar on his ankles, were still visible.

State of Mato Grosso

29. **Aristeu da Silva**, a detainee at Pascoal Ramos Prison in Cuiabá, was allegedly killed on 1 February 2000. According to the information received, he was imprisoned in Block B and was murdered as a result of a fight with a rival faction located in Block A. **Nelson Rodrigues de Sá** was allegedly beaten on the same day by the other faction as well. The *delegado* and other police officers were reportedly informed that some detainees in the jail had guns. It is said that on the same day they had performed a search in the prison and found no weapons. The detainees had reportedly handed in a list to the board of directors indicating the prisoners who had been threatened with death by other prisoners. On 2 February 2000 the public prosecutor allegedly received a letter with 17 names of detainees who were believed to be at risk as a result of animosity between the different factions. On 3 February 2000 the event, later known as the "Pascoal Ramos slaughter", took place in the jail. According to the information received, the

guards noticed that something was about to happen and left. Prisoners from Blocks B and C reportedly attacked prisoners from Block A. The following detainees reportedly died as a result of the attack: **Laudomiro César de Oliveira, Joselino Costa Marques, Adailton Bondespacho de Arruda, Ademilson Costa Alves, Benedito Sales de Souza Filho, Marenildo Leandro Curvo, Antonio Iran de Lima, Ivan Aparecido Gomes Rodrigues, Robleik César Soares de Paulo, José Pereira dos Resi, Maurelino Márcio Rondon, Edvaldo de Jesus and Rober Montes Magalhães**. The following detainees were allegedly seriously injured: **Sérgio Domingos Dias, Márcio Márcio de Souza, Arlindo Martins da Silva, Domingos Passos Primo, Antonio de Oliveira Filho, Ariovlado Matos de Menezes, Fábio Gonçalves Barros, Wabderson dos Santos, Joldimar Ferraz Garcia, Francisco Vicente de Brito, Paulo César Mota, Sebastião Marques Sampaio** and **Jair da Silva**. The director of the prison is believed to have forbidden military police officers to intervene to stop the attack which is said to have lasted from 9.40 a.m. to 3.00 p.m. The official version is reported to be that the prisoners were "settling accounts with each other". The military police and the Independent Command Special Operation Group reportedly surrounded the prison during the fight. It is believed that their only function was to apprehend potential runaways. According to the information received, the officers shot into the air to threaten those who came near the prison fence and **Genildo Cosme Tibúrcio Leite** and **Miguel Cabrera Toledo** were allegedly shot by police officers. It was reportedly later claimed that they had tried to escape. Prisoners apparently had guns, knifes and spears. A judicial inquiry has reportedly been opened. It is alleged that the public prosecutor's report published on 23 February 2000 concluded that the state should be charged with responsibility for the detainees' deaths for having failed to prevent the incident. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

State of Mato Grosso do Sul

30. **Gilberto Cardoso, João Felipe de Almeida, Nilton Gonzaga de Araújo, Denilson Rodrigues da Costa** and **Pedro Wilson do Nascimento**, truck drivers, were reportedly arrested by civil and highway police officers at Bataguassu in 1999 for having allegedly stolen fuel. They were reportedly taken to a police station. Pedro Wilson do Nascimento was reportedly taken to a separate room where he is said to have been beaten and threatened with death with a knife by a highway patrolman. He was allegedly hung in a water tank where he reportedly remained for hours. According to the information received, he was taken to the same room the next morning and threatened in order to make him sign a confession. It is said that the other truck drivers were frightened and signed confessions. The incident was reportedly registered at the Dracena Police Station. An official medical examination was reportedly performed and confirmed the allegations. The lawyers who followed the case are said to have received death threats. The police officers allegedly involved are reported to be still on duty.

State of Minas Gerais

31. **Luciene Frinhani dos Santos** was reportedly arrested on 6 April 2000 and was seriously beaten at the time of arrest. She was reported to have been taken by two civil police officers to the 2nd district police station of Belo Horizonte where she is believed to have signed a confession under threat of further beatings. At the police station, she was reportedly stripped naked. She was then reported to have been transferred to the women's lock-up of the

Department of Investigation on the third day. The following day, she is said to have been taken to the theft and robbery police station where she was beaten on the head and subjected to electro-shocks. Her head is reported to have been put in a bucket full of water. According to the information received, upon request from the *delegado*, she was later taken to the Forensic Medical Institute (IML) by the officers who had beaten her at the 2nd district police station. They are believed to have threatened her during the trip to the IML. She did not complain about the ill-treatment. It is reported that the IML doctor ordered her kept for two days in an emergency room, still under the surveillance of the police officers from the 2nd district police station. She allegedly complained to the judge about the ill-treatment she is said to have been subjected to.

32. **Solange Rinca da Cruz** was reportedly arrested at home, with no arrest warrant, on suspicion of extortion on 25 July 1999 by civil police officers who are said to have taken her directly to the women's lock-up of the Department of Investigation of Belo Horizonte. It is believed that she was interrogated by the *delegado* in the presence of her lawyer. After a month of detention, she is said to have been authorized to work outside. According to the information received, she was paying 50 reais each time she wanted to see her husband who was held in the same police station. The fourth time, she is believed to have been taken at 1.00 a.m. by a police officer with a gun to a different room, where she was allegedly raped. One week later, she complained to the Head of the Department of Investigation who is said to have ordered an IML examination. It is believed that the IML could not prove the rape. An internal inquiry was said to have been opened against the alleged perpetrator who was temporarily dismissed pending investigation. In October 1999, she is reported to have been asked by the *corregedor* to testify. According to the information received, she was threatened by the officer who allegedly raped her and by other police officers. The results of the internal inquiry were not known at the time of the visit of the Special Rapporteur (4 September). The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

33. **Paulo Eustáquio Holanda Martins** was reportedly arrested on 3 June 2000 on suspicion of armed robbery and taken to the Department of Investigation of Belo Horizonte before being taken on 16 June to the theft and robbery police station where he was allegedly beaten with rubber truncheons on the soles of his feet and the palm of his hands in order to make him sign a confession to murder. He is believed to have fainted three times. He was asked to pay money in order not to have to sign the confession.

34. **Vitoriano Valdivino Dias** was reportedly arrested on 12 August 2000 by three military police officers on suspicion of theft. He was reportedly handcuffed before being punched on the face and severely beaten and kicked, in particular on the ribs. This is believed to have happened on the street and then in a military police vehicle in which he was allegedly also beaten with wooden sticks. As a result, he is said to have lost most of his teeth. At the time of the interview (3 September), most of his teeth were indeed missing. He is reported to have threatened the police officers that he would complain to human rights organizations about the treatment they were subjecting him to. The police officers are then said to have threatened to kill him. He was reportedly taken to the Department of Investigation of Belo Horizonte where he was kept for 24 hours where he signed a confession under threat of further beatings. On 14 August, he was reportedly taken to the theft and robbery police station where he was allegedly threatened with further beatings when he asked for medical treatment.

35. **Wellinton Marcolino** was reportedly taken to Nelson Hungria Prison in the first trimester of 1998. Upon arrival, it is alleged that he was beaten with sticks by masked prison guards, in particular on his legs,. At the time of the interview (3 September), he was still suffering from a bulb-shaped mark on his right foot consistent with his allegations. It is reported that a doctor requested x-rays to be taken of his leg but Wellinton Marcolino was never taken to a specific hospital. It is believed that he was asked by a major to denounce the guards, but that he could not identify any of them as they were wearing masks.

36. **Rogerio Correira da Silva**, a detainee at Nelson Hungria Prison, was reportedly denied progression to a more open prison regime because of his complaints about the ill-treatment of another detainee which he had witnessed on 26 April 2000 during a mass celebrated by the Prison Ministry in the prison. According to the information received, he had seen an inmate being taken handcuffed out of his cell and severely beaten. He is then said to have threatened to denounce the guards to the Prison Ministry, as a result of which they reportedly stopped the beating. Since then, he was reportedly denied progression to which he is said to be entitled as he had already served more than two third of his sentence. A fortnight after his denunciation, he was allegedly beaten by a guard in Block Four, to which he had been transferred as a punishment. He was then taken to Block Three where he was allegedly punched on the back of the neck. It is reported that he spent 15 days in that block before being taken back to Block Four. He is said to have been taken to an IML where he was not, however, examined by a doctor. He complained about headaches but allegedly did not receive any medication.

37. **Wagner Barbosa Lima** was reportedly arrested on 23 December 1999 and beaten by three military police officers for 30 minutes. He was then taken to the DETRAN of Belo Horizonte where, according to the information received, he signed a confession under pressure from the military police officers who were present in the room. As he did not bear any marks, he did not complain to the judge when he appeared in court because he thought that the judge would not believe him.

38. **Francisco Floriano do Paulo** was reportedly arrested mid-July 2000 after having escaped from a police station. He was said to have been taken to the Departamento de Trânsito (DETRAN) of Belo Horizonte where on the third day of his detention, he was allegedly beaten with wooden sticks in the corridor leading to the cells and in an investigation room by four police officers. According to the information received, he was then punched on thehead and was threatened with being beaten every day for one week if he did not sign a confession. He eventually signed some papers. It is believed that he was asked for money in order to stop the beatings.

39. **Leandro Correia Leal** was reportedly arrested in November 1999 on suspicion of drug trafficking. At the theft and robbery police station of Belo Horizonte, he was allegedly stripped naked and beaten. According to the information received, a hose was placed in his mouth and hot water was poured into his mouth. This is believed to have lasted for 20 minutes during which he vomited before he eventually fainted. Needles are said to have been inserted under his fingernails. He nevertheless reportedly refused to sign a confession.

40. **Eduardo Silva Gomes** was reportedly arrested on 4 November 1998 for homicide and sentenced on 23 May 1999 to 12 years' imprisonment. On 23 April 1999, he was transferred to Nelson Hungria prison. On 23 April 2000, while he was working as a cleaner in Block Ten, he reportedly heard a guard asking a detainee for a bribe in order to allow his wife to enter his cell. The detainee is said to have refused to pay and to have set his mattress on fire. When Eduardo Silva Gomes reported the incident, he was reportedly taken to the Criminological Observation Centre (COC) block in the prison where he was allegedly severely beaten and kicked with rubber truncheons and wooden sticks by guards, in particular on the head, the genitals and the back. Water was then reported to have been poured on him before he was left naked in a cell. On every duty shift for five days, he is alleged to have been beaten. On 28 April, the Prison Ministry and public prosecutors are said to have visited him and to have seen marks on his body consistent with his allegations. Pictures are believed to have been taken. Thirty days later, it is reported that the *delegado* of the 50th district police station came to record his statement at the request of the State Secretary for Justice. He was then transferred to Block Six where he stayed for 30 days in a cell without a mattress or blanket. According to the information received, he was then transferred to Block Four where he has been left in his cell 24 hours a day. It is believed that he is denied visits and correspondence.

41. **Availton Dias Ferreira** reportedly attempted to escape from Block Eleven of Nelson Hungria prison on 8 March 2000. On the same day, he was transferred to the COC block where he was allegedly beaten with wooden sticks and was kicked on various parts of the body for more than 30 minutes. Then he was reportedly left naked in a cell in the COC block without a mattress or blanket for five days. His family is believed to have complained to human rights organizations. He was then said to have been punished in Block Six.

42. **George Francisco de Assis** was reportedly arrested by civil police officers in June 1998 and taken to the theft and robbery police station in Belo Horizonte where he was allegedly beaten by police officers. Later he reportedly tried to prevent a police officer from beating a boy, **Guilherme Henrique da Silva**, who had also been arrested. According to the information received, the police officer did not like this and threatened him with death several times. It is believed George Francisco de Assis was subsequently transferred to the prison in Ribeirão das Neves. His mother was allegedly threatened by a civil police officer that her son would be killed. According to the information received, he was released on 7 October 1998.

43. **Wilson Pereira da Silva** was reportedly detained at the theft and robbery police station in Belo Horizonte and allegedly beaten by a prison guard and police officers in September 1996. According to the information received, one week after his arrest, he was taken to the police station in charge of vehicle theft and robbery where he was allegedly hung on a "parrot's perch" with the help of the *delegado*, and beaten. He was then allegedly taken back to the theft and robbery police station where he reportedly continued to suffer mistreatment and to be threatened with death. He allegedly underwent an official medical examination, which registered lesions consistent with his allegations. A judicial inquiry was allegedly opened and public prosecutors reportedly visited the police station on 6 May 1997. According to the information received, the following detainees have been subjected to reprisals for having testified in the case of Wilson Pereira da Silva. **Wagner Rodrigues da Rocha** reportedly had his right arm burned with a lighter and was made to eat newspapers that had published articles about the former's

accusations. He allegedly underwent an official medical examination which registered lesions consistent with his allegations. **Adilson Rodrigues** was allegedly beaten after the public prosecutor's visit to the police station. He was reportedly handcuffed to the cell bars for two hours. **Janderson Sérgio Andrade** was reported by police officers to have tried to escape during the public prosecutors' visit to the police station. He was said to have been beaten on 11 and 12 May 1997 by police officers. He was allegedly threatened with death not to talk about the incident and reportedly killed on 1 January 1999. **Wilson Bispo dos Santos** was allegedly hidden by police officers during the public prosecutors' visit to the police station because he had marks and lesions all over his body. He had reportedly been previously kicked, punched, hit with a wooden stick and subjected to electric shocks in order to make him sign a confession. He allegedly underwent an official medical examination, which registered lesions consistent with his allegations.

44. **Herbert Almeida Carneiro** was reportedly detained at the police station in charge of vehicle theft and robbery in Belo Horizonte. According to the information received, on 22 February 1999 he was forced by three civil police officers to undress and wet his body. He is said to have been placed on a "parrot's perch", subjected to electro-shocks and beaten several times with a piece of wood and rubber. It is believed that he underwent an official medical examination and that a judicial inquiry has been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

45. **Adonias Barbosa da Silva**, a salesman, was allegedly arrested in Belo Horizonte on 12 November 1999 on suspicion of theft. He was reportedly beaten, punched in his back and stomach, kicked on his legs and hands and hit with a *palmatória*. He allegedly underwent an official medical examination, which is said to have registered lesions consistent with his allegations. A judicial inquiry has reportedly been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

46. **Juarez Fernades Rodrigues**, a journalist, and Geraldo Magela de Oliveira, his driver, were allegedly driving a private vehicle on 17 February 2000 in Belo Horizonte when they reportedly saw and took photographs of a military police officer believed to be arresting illegally a 12-year-old boy. They were reportedly leaving when they were stopped by a military police officer, who had arrived in the meanwhile. An officer reportedly took his cellular phone and tried to take his camera. He then tried to make him get out of the car by hitting and grabbing him by his legs and arms. It is reported that he underwent an official medical examination. According to the information received, a judicial inquiry has been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

47. **Roberto Silvio Ferreira**, a street vendor, was allegedly approached by a military police officer in the street in Belo Horizonte on 23 May 2000. He was reportedly taken to the military police box near the bus station where he is said to have been beaten. According to the information received, a sergeant told him that he could "go peacefully" or "be under arrest for disrespect to authority". It is said that he underwent an official medical examination. The police *ouvidor* is believed to have been informed about the incident.

48. **Clênio Kenedy de Almeida**, a 20-year-old detainee at the Nelson Hungria Penitentiary was allegedly beaten by prison guards in early 2000. He was reportedly threatened with death by a guard who pointed a gun at his head, and was allegedly kept naked in an isolation cell on a bare, wet concrete floor with no mattress. According to the information received, he was suffering from bronchitis and had bruises all over his body as a result of the beatings to which he had allegedly been subjected. His request to be allowed to see a doctor was not granted.

49. **D.S.**, aged 11, was allegedly beaten by two military police officers on 4 July 2000 in a building belonging to a private company in Belo Horizonte. The police officers allegedly hit him three times on his head with a wooden stick and slapped him several times on his back. The incident was reportedly denounced to the police *ouvidor*.

50. **Rosivaldo Venancio Gomes**, aged 24, was allegedly arrested on 9 August 1999 on suspicion of bank robbery and taken to the theft and robbery police station in Belo Horizonte, where he was allegedly beaten.

51. **Pedro Alves Vieira**, aged 35, was allegedly arrested on September 1999, taken to the 19th district police station in Belo Horizonte and later transferred to the Nova Lima police station. According to the information received, his family was later told that he had been found dead on the same day. It is said that there were several bruises on his body. The case has allegedly been reported to the police *ouvidor*.

52. **Maurício Miranda Braga**, a 23-year-old detainee at the Nelson Hungria Penitentiary, was allegedly beaten on his abdomen and genitals on 30 December 1997. On 6 January 1998, he reportedly underwent an official medical examination and lesions consistent with his allegations were apparently found.

53. **Claudinei de Souza Goldinho**, **Fábio Bruno de Paula**, **José Alves de Moura** and **Flávio de Jesus,** all detainees at the Penitentiary House in Governador Valadares, were reportedly beaten by military police officers and prison guards on 25 June 2000 after they allegedly attempted to start a revolt. As a result of the beatings, they reportedly had bruises all over their bodies. Flávio de Jesus was believed to have been taken to a hospital.

54. **Rogério Corrêa da Silva,** a detainee at the Nelson Hungria Penitentiary, was allegedly beaten by a penitentiary officer on 2 August 2000. According to the information received, he was beaten because he had made accusations in a local newspaper and during a Prison Ministry mass about maltreatment that had occurred in the prison. He was allegedly punished by the prison's board of directors and sent to an isolation cell. Allegedly he should have benefited from conditional liberty, but was not released because of the disciplinary faults he had been charged with.

55. **Vanderlei Inácio de Carvalho** was reportedly detained at the theft and robbery police station in Belo Horizonte and was allegedly beaten by police officers on 24 September 1999. According to the information received, public prosecutors visited the police station on the same day and saw lesions on several parts of his body, despite the fact that police officers had tried to hide him from the public prosecutors by placing him in another cell. It is reported that the public prosecutors found a small room called the "parrot's perch room" containing objects such

as a 1.5 metre iron bar, wet clothes, tyres and electric wire. During their visit it is believed that the public prosecutors noted that **Toni Carlos Fagundes**, **Leonardo Gomes Batista**, **Rogério Cesário Correia**, **Rodrigo Eugênio Martins** and **Carlos Eduardo da Silva**, all detained at the same police station, had allegedly been beaten and presented marks consistent with their allegations. Police officers reportedly encouraged the detainees to start a revolt during the public prosecutors' visit. A judicial inquiry allegedly opened. The Special Rapporteur would appreciate receiving information on the outcome of the inquiry.

56. **José Gerônimo Lopes Neto**, **Noé de Almeida de Jesus**, **Rômulo Marques da Silva** and **Ronaldo Quaresma da Silva**, street vendors, were allegedly arrested on 1 November 1993 by four civil police officers and taken to the bus station police unit in Belo Horizonte. It is reported that José Gerônimo Lopes Neto and Noé de Almeida were severely kicked, punched and hit with a rubber stick. Ronaldo Quaresma da Silva reportedly had his feet hit with a rubber stick. Rômulo Marques da Silva was allegedly slapped on his ears several times. They were reportedly released seven hours later. It is believed that José Gerônimo Lopes Neto and Noé de Almeida underwent an official medical examination and were found to have lesions on their bodies consistent with their allegations. A judicial inquiry was reportedly opened on 23 September 1998, five years after the incident, but it is reported that the police officers were reportedly discharged owing to lack of evidence.

57. **Milton da Penha**, a street vendor, was allegedly arrested on 15 November 1994 by a civil police officer and taken to the bus station police unit in Belo Horizonte on suspicion of selling mineral water illegally. It is said that he was severely beaten with a rubber hose by two police officers. According to the information received, he was subsequently told to wash his face and was then released. A judicial inquiry was reportedly opened. The Special Rapporteur would appreciate receiving information on the outcome of the inquiry.

58. **Adão Luiz Nogueira Leite**, a street vendor, was reportedly arrested on 16 December 1994 by three civil police officers and taken to the bus station police unit in Belo Horizonte on accusation of theft. He was allegedly punched in the face twice. He was said to have been transferred to the regional police station before being released. A judicial inquiry was reportedly opened. The Special Rapporteur would appreciate receiving information on the outcome of the inquiry.

59. **Joel Alves Costa**, a street vendor, was reportedly arrested on 14 December 1993 by a police officer and taken to the bus station police unit in Belo Horizonte where he was allegedly slapped and punched by a police officer. It is said that he was released about five hours later. According to the information received, a judicial inquiry was opened. The Special Rapporteur would appreciate receiving information on the outcome of the inquiry.

60. **Cláudio Ferreira dos Santos**, a street vendor, was reportedly arrested on 24 February 1994 by three civil police officers and taken to the bus station police unit in Belo Horizonte. According to the information received, he was beaten by the police officers at the time of his arrest. It is reported that he was released about four hours later. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

61. **F.J.S.**, a minor, was reportedly arrested on 19 November 1993 by two civil police officers and taken to the bus station police unit in Belo Horizonte, where he was allegedly beaten by the police officers. It is reported that he was released the same day. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

62. **Cláudio Pereira dos Santos**, a street vendor, was reportedly arrested on 20 November 1993 by a civil police officer and taken to the bus station police unit in Belo Horizonte where he was allegedly severely beaten by a police officer. It is said that two days earlier, he had been arrested for some hours on suspicion of selling products illegally in the bus station and released on the same day. According to the information received, on 20 November, his girlfriend, **Thais Cristina Nonato**, went to the bus station police unit and searched for him. She reportedly heard him screaming because of the beatings he was allegedly being subjected to. It is reported that when she asked for information about him she was verbally insulted and slapped twice on the face. According to the information received, she was pregnant and fainted. She was reportedly taken to a hospital by a military police officer. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

63. **Ruidalves Gomes dos Santos** was reportedly arrested on 13 December 1999 on suspicion of having slashed his father with a knife in Salto da Divisa. At the time of arrest, police officers reportedly beat him and threw rocks at him. He was allegedly taken bleeding to a hospital, where his head was stitched. He was later reportedly transferred to a prison in Jacinto. On 2 January 2000, his sister reportedly visited him and saw that his leg was burned and that he had an open wound. He reportedly died on 7 March in a hospital. According to the information received, his dead body presented signs of severe bleeding from the nose and anus, wounds to the head, face and wrists, and lesions on the legs. A doctor is reported to have refused to perform an official medical examination. His family was allegedly told by police officers that he had suffered a heart attack and fainted in the prison bathroom, where he had reportedly been found dead.

64. **Adriano Magno Dias**, aged 22, was reportedly arrested by military police officers on 27 July 1998. He was reportedly taken to the Timóteo Public Jail, where he is said to have been beaten with a piece of wood and a rubber hose. He was then allegedly taken to the Vital Brasil Hospital to receive medical treatment and later taken back to the jail. According to the information received, he was beaten again by officers and released on the following day. It is said that he testified falsely that he had tried to escape for fear of reprisals and had fallen down a staircase.

65. **Jocimar Borges Silva**, an 18-year-old sales clerk, was reportedly arrested on 20 June 1990 at his house in Ipatinga and taken to a local police station where he was allegedly forced to undress and to hold a tyre with his arms stretched out for half an hour. It is reported that he was beaten with a *palmatório* and placed on a "parrot's perch". According to the information received, he was released the following day and underwent an official medical examination. Local media are believed to have reported his case.

66. **Loilson José Correia**, aged 27, and **Paulo da Silva**, aged 34, were reportedly arrested on 23 February 1996 and taken to the regional police station of Ipatinga on suspicion of threatening a military police officer with death. At the police station, they were allegedly beaten for three hours by two civil police officers and one military police officer. They were reportedly released the same day. It is believed they were later threatened with death. A local newspaper is said to have reported the incident.

67. **Fabiano Ferreria Dias**, aged 18, was allegedly arrested on 7 September 1996 by military police officers in a public party in Ipatinga. He was reportedly beaten during a fight in which **Marcondes Rodrigues da Silva**, aged 18, and **Gilvânio Anísio dos Santos**, aged 25, are said to have been shot by officers and injured. According to the information received, Fabiano Ferreira Dias and Gilvânio Anísio dos Santos were first taken into the bush, where they were beaten, and later to the local police district. It is believed that Fabiano Ferreira Dias lost part of his vision due to the beatings.

68. **Domingos Furtado de Oliveira**, a 34-year-old unemployed man, was allegedly arrested on 15 May 2000 and taken to the regional police station in Ipatinga. He was reportedly taken into the bush, where he is said to have been severely beaten by four military police officers. According to the information received, he was taken back unconscious to the police station. It is believed that on the following day officers told him that, if he bought a musical compact disk recorded by the chief police, he could be released. He allegedly accepted and was released. It is reported that he was so severely injured that he could not get back home by himself. He was reportedly found by his neighbours after he fainted in the street near his house. He was allegedly taken to a hospital where he reportedly remained for 10 days. According to the information received, he had to undergo a surgical operation because of the beatings.

69. **Jorge Natale** was reportedly taken by police officers to the theft and robbery police station in Belo Horizonte on 3 November 1998 to testify about a robbery which had occurred on 30 October 1998 in the private company where he was working. He is said to have been accused by the police officers of having given information to the robbers. It is reported that he was placed on a "parrot's perch", submitted to electro-shocks on several parts of his body, beaten several times with a piece of rubber and slapped on his head. According to the information received, he underwent an official medical examination and a judicial inquiry was opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

70. **Júlio Alves da Silva**, detained at the theft and robbery police station in Belo Horizonte, was allegedly beaten twice between December 1998 and April 1999. He is reported to have been beaten with a piece of wood and rubber. According to the information received, he underwent an official medical examination a long time after the beatings and he was threatened with death if he spoke about the incident. It is believed that witnesses saw bruises and lesions on his body. A police officer is reported to have asked him for 1,500 reais to transfer him to another police station. Since he reportedly refused, he was not allowed to receive visits. He was allegedly later transferred to another police station, where he reportedly denounced the incident. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

71. **Alexandre Santos Andrade, Adilson das Dores Silva, Jean Carlos Ribeiro dos Santos, Wanderson Tales Nonato, Leonardo Gomes Batista, Carlos Eduardo Machado da Silva, Wanderson Pereira de Souza, Silvinei Ribeiro Pereira, Darlan de Souza Milagres** and **Gabriel Afonso de Araújo,** all detained at the theft and robbery police station in Belo Horizonte, were reportedly beaten and submitted to diverse forms of torture by a prison guard between January and October 1999. It is reported that on several occasions this guard asked the prisoners for money to transfer them to less crowded cells at the police station or to another jail. It is believed that detainees who refused to pay were punished, in particular by being denied visits or by being prevented from going to the courtyard. An inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

72. **Gincarlos Nogueira Mainarte** was reportedly arrested on 4 February 1998 at his work by civil police officers who took him to the theft and robbery police station in Belo Horizonte. According to the information received, he was slapped, kicked and punched on several parts of his body. He was also allegedly hit on the soles of his feet with a piece of wood and rubber. He reportedly underwent an official medical examination. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

73. **Wellington da Silva Fereira**, **Carlos da Silva** and **Rogério Gomes da Silva** were allegedly arrested on suspicion of armed robbery on 25 November 1998 by three civil police officers in Belo Horizonte. They were reportedly taken to the division of crimes in the theft and robbery police station, where they were allegedly severely beaten. It is reported that Wellington da Silva Fereira died as a result of the beatings to which he had allegedly been subjected. His body was allegedly not seen by anybody after it was taken away by police officers. It is reported that there were witnesses to the incident and that a judicial inquiry was opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

74. **Luiz Antônio Mariano** was allegedly approached at his workplace on 10 April 1997 by a security inspector who worked for the company in which he was employed. He was reportedly invited to accompany him to the headquarters of the security company, where they were reportedly joined by a police officer. He was then reportedly slapped, kicked, punched and hit with a piece of wood with a rubber tied on its edge. He was reportedly then taken to the 11th district police station. He allegedly underwent an official medical examination in which lesions consistent with his allegations were reportedly found. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

75. **C.H.O.**, a 16-year-old student, allegedly went to a police station in Belo Horizonte to ask for protection on 27 September 1997. He had reportedly kissed on the mouth his one year younger cousin and was being threatened by her father. According to the information received, after narrating the facts to the *delegado* he was taken to a separate room by a civil police officer along with other suspected juvenile offenders. The civil police officer reportedly told them that C.H.O. was "crazy and a rapist" in order to stimulate reprisals. It is reported that he was taken to a bathroom, kicked, punched and subjected several times to oral and anal sex. He was reportedly subsequently taken to another room, where he was reportedly slapped in the face by an officer.

According to the information received, he was taken back to the previous room, where he was allegedly again subjected to sexual violence by the other minors. He is said to have been kept at the police station for 10 hours. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

76. **Jackson Antônio da Silva** and **Darcy Fernandes Neves**, both detained at the Dutra Ladeira Detention House in Ribeirão das Neves, were reportedly caught by prison guards on 4 January 1999 while trying to dig a hole in their cell. They are said to have been severely kicked, punched and hit with iron bars by the guards. They were reportedly taken to a room and kept undressed for a whole night after being washed with cold water. As a result of the beatings, Jackson Antônio da Silva allegedly had a hole in his abdomen. They were reportedly taken to hospital, where, according to the information received, an HIV positive prisoner, **Vicente Simeão Alves**, witnessed the prison guards committing further torture. The latter is said to have been denied medical attention as a means of threatening him not to disclose information about this and other incidents. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

77. **Vaubim Antônio Soares**, detained at the theft and robbery police station in Belo Horizonte, was reportedly asked by a police officer for 2,000 reais to be transferred to another jail. He allegedly had only 500 reais to offer and the negotiation was reportedly not concluded. According to the information received, he started to be persecuted by the officer who had asked him for the money and, on 29 December 1997, he was reportedly taken to a separate room, where he was allegedly placed on a "parrot's perch", electro-shocked several times and hit with a piece of wood until he fainted. He is said to have had serious injuries to his testicles as a result of the beatings. He reportedly underwent an official medical examination. According to the information received, he and his family subsequently received death threats. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

78. **Carlos Henrique Barbosa, Elizete Reisa da Silva, Magali Antônia Lopes, Genaldo Bibiano Lopes, Glorinha Rosa Queiroz da Silva, R.V.L.**, aged 12, **Ivani Rosa Lipriman, Fernando Romano da Silva** and **Edmilson Braz Ferreira** were reportedly arrested at their houses in Belo Horizonte between 21 and 23 October 1995 and taken to the investigations department police station. They were allegedly severely beaten in order to force them to reveal the whereabouts of **Luiz Antônio Barbosa**, who had allegedly killed a civil police officer. According to the information received, some witnesses saw Luiz Antônio Barbosa being "arrested" later by police officers. He was reportedly found dead and the 2,000 reais he reportedly had on him were missing. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

79. **Nilson José Mateus da Silva** was allegedly approached and shot for no known reason by civil police in Belo Horizonte on 27 June 1996. He was then allegedly handcuffed and beaten. According to the information received, he was subsequently taken to the Santa Luzia police station, to the Dom Bosco Hospital and to the João XXIII Hospital by the officers who had allegedly beaten him. He is said to have been punched in his abdomen and mouth on the way to the first hospital. It is reported that he had one tooth broken and that he underwent surgery. According to the information received, police officers falsely claimed he had been caught in

possession of narcotics and weapons and tried to force his family, while he was in the hospital, to give them 3,000 reais in order for them not to "take the necessary measures". A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

80. **Roberto Aparecido Leal** and **Willian Gontijo Ferreira**, detained at the State Department of Special Operations in Belo Horizonte, were reportedly undressed and beaten on 4 March 1996. **José Mauro Oliveria Alves**, **Aliton Teixieira Costa**, **Djalma de Melo Martins**, **Wagner Luiz de Carvalho**, **Luiz Carlos Bernardes Pires** and **Antônio de Páuda Vargas**, detained in the same institution, were allegedly submitted to various forms of torture between 3 March 1996 and 5 April 1997. Public prosecutors carrying out an investigation on 9 April 1997 found a room containing torture tools, including a "parrot's perch". According to the information received, one penitentiary agent was accused of having put "make up" on the prisoners' injuries in order to hide their lesions. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

81. **José Elias Rodrigues**, his wife and his three-year-old son were allegedly arrested on 8 June 1995 on suspicion of using narcotics. They were reportedly taken to the theft and robbery police station in Belo Horizonte where, José Elias Rodrigues was allegedly placed on a "parrot's perch", held under water and almost suffocated in order to force him to reveal the location of **Antônio Rosário Gonçalves**. He is thought to have given that information to the officers. Antônio Rosário Gonçalves was reportedly arrested the same day and his brother, **Itamar Ferreira Gonçalves**, was reportedly beaten, shot and injured by the same officers at the time of that arrest. Antonio was taken to the theft and robbery police station and charged with narcotics trafficking. According to the information received, the officers falsely claimed both men were caught in flagrante delicto. It is reported that they were subsequently transferred to the police station in charge of narco-trafficking, where José Elias Rodrigues and Antônio Rosário Gonçalves are said to have remained for around 45 days and for 30 days respectively. According to the information received, they were submitted to new beatings during their detention. An inquiry is believed to have been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

82. **Bertoldo Mateus de Oliveria Filho**, a 39-year-old state attorney, was allegedly involved in an argument with a taxi driver on 9 August 2000. The driver reportedly kicked his face and tried to run over him with the vehicle when the above-named person left the car. Bertoldo Mateus de Oliveria Filho allegedly called the military police, who, on arrival, verbally abused him, handcuffed him violently and threw him to the ground. He was allegedly taken to a military police box where an incident report with false information was drafted. This report is believed to have been published by the local media. According to the information received, a judicial inquiry was opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

83. **C.S.T.**, aged 14, **R.A.Q.**, aged 16, **N.F.L.**, aged 10, **J.D. de O.F.**, **A.L.R. de S.**, aged 15, **A.P.S.**, aged 12, **N.G.M.**, **R.C.F.**, aged 10, **R.S.A.**, aged 15, **F.C.S.**, aged 17, **F.G.S.**, aged 17, **L.S.S.**, aged 13, **A.S.**, aged 15, **W.A.**, aged 14, **J.R.S.**, and four other young people, all homeless teenagers, were allegedly approached by four military police officers in Belo Horizonte on 20 May 1996. According to the information received, they were sniffing thinner and

shoemaker's glue. The officers allegedly beat some of them and took them to a deserted area where the boys were reportedly told to undress and forced to do physical exercises. Meanwhile, the girls were allegedly forced to undress and to practise oral sex on each other. The girls are said to have been submitted to other sexual abuses. The teenagers were allegedly forced by the officers to have sex between themselves. The boys were reportedly threatened with having their genitals hit with a stick. The officers allegedly created a "fighting arena" and forced the oldest boys to fight among themselves. All the teenagers were then reportedly told to dress and forced to sing and to pray. When they heard voices, the officers allegedly stopped and the teenagers were reportedly released. According to the information received, a judicial inquiry was opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

84. **Marcelo Ribeiro dos Santos** is said to have been drunk when he reportedly had a misunderstanding with airport security employees at the Belo Horizonte airport on 10 October 1998. According to the information received, a military police officer passed by, threw him onto the floor and applied a hold called the "key" ("chave") in which he enclosed Marcelo Ribeiro dos Santos's neck with his legs. He was allegedly taken to the Venda Nova Hospital, but he was reportedly dead on arrival. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

85. **César Antônio Cossi,** a public prosecutor, and his wife, **Márcia Cristina Balbi Cossi**, were allegedly stopped by military police officers on 22 June 1995 while driving in Belo Horizonte. They were reportedly asked by the officers to take a severely sick old lady to hospital. The officers allegedly abused them verbally and punched and kicked César Antônio Cossi. The couple are said to have left and gone to the bus station, where they reportedly had to fetch a relative. According to the information received, when they left the station they were followed and stopped by a military police vehicle, and their vehicle and documents were confiscated. They were allegedly taken to a police station, where they are thought to have remained for one hour before being released. It is reported that they were verbally abused and threatened with death. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

86. **Gustavo Ferraz de Matos**, a 19-year-old street dweller, was allegedly approached by a military police officer at a bar near the Belo Horizonte bus station on 26 January 2000. According to the information received, he was handcuffed and taken to the Carijós police station, where he is said to have been severely beaten for approximately one hour as a punishment for having allegedly robbed a policeman's girlfriend. It is reported that after that he was "thrown" back into the bar. He was allegedly taken by the Human Rights Coordination Office to the João XXIII Hospital, where he reportedly underwent an official medical examination and received medical treatment.

87. **Waldemar Santos Amaral** was reportedly punched on several parts of his body by military police officers after he allegedly fell asleep on a bench at the Belo Horizonte bus station while awaiting his brother's arrival on 24 February 2000. He was allegedly taken to the military police box inside the bus station, where he is said to have been beaten and threatened with death. When he was released, he allegedly underwent an official medical examination.

88. **Adolfo de Souza Barbosa**, a street seller, was allegedly working at the Belo Horizonte bus station on 16 May 2000 when he became involved in an argument with two other street sellers. According to the information received, the police arrived and took the three of them to the military police box inside the bus station, where it is reported that they were beaten. Since he was severely injured, he was reportedly taken to the João XXIII Hospital and underwent an official medical examination. The police *ouvidor* was reportedly informed about the incident.

89. **João Ribeiro Filho**, was allegedly beaten by a military police officer at his repair shop in Belo Horizonte on 19 August 2000. He was reportedly taken to the 8th military police battalion, where he was allegedly beaten again by five military police officers. He was reportedly kicked in his genitals and fainted. According to the information received, his right hand and two ribs were broken as a result of the beatings. He is said to have been later taken to the military police station, where an incident report was recorded. He reportedly underwent an official medical examination. The case was allegedly reported to the State Secretariat for Human Rights.

90. **A.P.F.**, a minor, was allegedly arrested under suspicion of theft. He was reportedly taken to and kept at the "Guarda Municipal" in Monte Alto, where he was detained between early 1991 and August 1992. He was allegedly allowed to go home at weekends. According to the information received, during this period he was beaten on several occasions by the municipal guards, especially with a tool named "*pinto de boi*" and with the branch of a tree about half a metre in length. It is reported that he ran away, but was captured and beaten as a punishment. An administrative inquiry was allegedly opened and later filed.

91. **R.A.B.**, a minor, was allegedly kept and beaten several times at the "Guardia Municipal" in Monte Alto from 1991 to 1992. It is reported that once a municipal guard threw urine at his face and that on another occasion he was obliged to lick the officer's spit on the floor. Apparently, he used to be woken up by water being thrown at him. His parents tried to talk to the local public prosecutor, but he reportedly verbally abused them and sent them away. The municipal guards reportedly used to mix horse's dung with water and to throw that at R.A.B. An administrative inquiry was allegedly opened and later filed.

92. **E.V.**, a minor, was allegedly kept at the "Guardia Municipal" in Monte Alto from 1991 to 1992. He was allegedly beaten several times with clubs, rubber sticks and a broomstick. He was also reportedly kicked and punched on several occasions. He reportedly had a broken tooth as a result of the beatings. According to the information received, he was once woken up by a guard and told to wash his vehicle. As he reportedly refused, the guard allegedly threw hot coffee down the back of his shorts. He is said to have escaped once and to have been caught. According to the information received, he was beaten with the "*pinto de boi*" as a reprisal. It is reported that several years later he still had marks form these beatings.

93. **Antonio Alves da Silva** was reportedly transferred from D block of the Unai penitentiary to the Nelson Hungria prison during the week of 21 August 2000. When he and other inmates arrived, they were said to have been beaten by the regular security officers on duty. At night, officers of the GAT police wearing ninja hoods reportedly took them out of their cells and beat and kicked them in the corridor. Antonio Alves da Silva was reportedly kicked in the lower back and on his foot, although he had told the officers that he had been operated on. As a result, his

lungs, kidneys and spleen are said to have been perforated. At the time of the interview (3 September 2000), marks consistent with his allegations, such as a scar on his lower back and his left inner foot, were still visible.

94. **Dalton Costa Miranda** was reportedly transferred from Unai penitentiary a month or two before his scheduled release and was beaten on his back and head on arrival at Nelson Hungria penitentiary by eight or nine guards with a thick wooden stick for about 20 minutes. At the time of the interview (3 September 2000), marks consistent with his allegation, such as a scar on his lower back, were still visible.

95. **Olemar Goncalves de Noronha** was reportedly arrested in Araguary after being caught stealing from a grocery store. He was said to have been beaten and subjected to the technique called the "parrot's perch" by police officers until he signed a confession to another crime, which he denies having committed. It is believed that on the basis of this confession, he was sentenced to 15 years' imprisonment. When he said in court that he had been tortured, the judge allegedly laughed and looked at the prosecutor.

96. **Rildo Luis Dias** was reportedly beaten by guards at the Nelson Hungria prison on or about 24 July 2000 after he had refused to submit to a strip search and to remove his underwear before going into the yard. He is said to have followed the usual search procedure and to have stated that he would rather not go out if he was strip searched. It is believed that searches had never involved removing underwear before. Subsequently the guards are said to have hit him in the stomach, to have insulted him, broken his television set, destroyed his fruit, ripped his bed linen and mixed soap powder into his food. They reportedly cut his water supply for three days. About three days later, guards from another team arrived and reportedly beat him again, threw ketchup on his clothes and threw his toiletries in the toilet. After two weeks, he was reportedly medically examined. At the time of the interview (3 September 2000), marks consistent with his allegations, such as marks on his stomach, were still visible. Some guards are said to have threatened that his problems were only just beginning. He was placed in the punishment cell for 30 days. His family are said to have asked the Human Rights Commission to monitor his case.

97. **Vinicius Rezende Costa** was reportedly transferred to Nelson Hungria prison in mid-May 1997. In April 1997, he was said to have been arrested and taken to the theft and robbery police station of Belo Horizonte, where he was allegedly tortured. In mid-1998, he is said to have had an argument with the *delegado* at the DESOPE, who is said to have slapped him in the face without a reason. In a reflex action, Vinicius Rezende Costa reportedly hit him back. Other detectives were said to have arrived and to have subdued and beaten him. As a result, he is said to have suffered from a broken rib and a cut under his eye. The Parliamentary Commission of Inquiry is said to have been informed about the case. No inquiry is said to have been carried out.

98. **Alexandre Cezar da Silva**, an inmate for over five years and eight months at the Nelson Hungria prison in Belo Horizonte, who had reportedly been sentenced to eight years in prison, is said to have been tortured on the "parrot's perch" at the theft and robbery police station of Belo Horizonte in 1989 and at the Department of Investigation in Contage in 1993. He had reportedly been arrested at 5 a.m. on 12 June 1993. The following day, police officers reportedly

found that he had a previous police file. The officers are said to have demanded to be given some of his belongings. Around that time, he was said to have been placed on the "parrot's perch" by officers who were reportedly drunk and on drugs. They are said to have tied his hands together and to have blindfolded him with his own shirt. They then reportedly threw water over him, gave him electric shocks on his tongue and beat him for four hours. They are said to have spat on him and laughed at him. At the time of the interview (3 September 2000), marks consistent with his allegation, such as scars on both his legs and arms, were still visible.

99. **Cleison Costa Silva** was reportedly transferred to Nelson Hungria prison at the beginning of May 2000 from a police station. Due to an argument with a police *delegado* in April 1998, he was allegedly singled out as the head of a revolt. Upon arrival, he was said to have been beaten by guards, who reportedly broke his jaw. They also allegedly took his belongings and 40 reais from him. Since then, he is said to have received several death threats from guards. He reportedly asked for permission to work and obtained working materials. In mid-August 2000, they were reportedly taken away from him.

100. **Nivio Cesar Rocha**, who had reportedly been sentenced for kidnapping and abduction of the daughter of a colonel, is said to have been transferred to Nelson Hungria prison on 17 August 1996 from the rural penitentiary in Neves with two other men. Upon arrival, they were reportedly made to take a cold shower. Once they left the shower, they were allegedly beaten by members of the night team at around 11 p.m. He was reportedly taken to a room in the administration wing, where the guards are said to have tripped him up. He reportedly hit his head on the floor. In the corridor, he was allegedly given electric shocks and to have been kicked. He was reportedly beaten by eight or nine officers for half an hour and nearly raped with a stick. His family is said to have filed a complaint with the court which was allegedly not pursued as an inquiry was said to be ongoing in the prison. The guards involved were reportedly not suspended or punished. One is said to have risen to the position of team leader, and then to head of discipline in the penitentiary. As a result of the beatings, Nivio Cesar Rocha is said to have suffered a broken rib and a broken vertebra. He was reportedly taken to the director, who allegedly asked him to withdraw his complaint, which he refused. Since then, he is said to be intimidated and harassed by the head of discipline of the penitentiary. When he is close to progressing to a half-way house, the head of discipline of the prison is said to arrange a misdemeanour and to place him into a punishment cell for 30 days. These transgressions are then considered a serious breach of the rules, deferring any progression for a further year. He was said to be denied access to medical treatment and legal assistance, as well as to any progression in prison. On 30 July 1997, he was said to have undergone another medical examination, as requested by the prosecutor. Since then, no police officer is said to have been prosecuted.

101. **Julio Cezar Silva Cabrão** was reportedly transferred to Nelson Hungria prison on 19 December 1999. He is said to have been hit between the eyes during the transfer by the director of Oberlandia who allegedly shouted close to his ear, threw him on the floor and kicked him. Although it is believed the transfer began at 9 p.m. and finished at Nelson Hungria at 7 a.m. the next day, he was asked to sign that he had arrived at 5 a.m. It is alleged that usually the transfer takes six hours. According to the information received, he was allegedly beaten at all the stops and a major (whose name is known by the Special Rapporteur) did not want to send

him to the Forensic Medical Institute. He was reportedly taken to the Criminological Operation Centre (COC) of the Nelson Hungria prison where he spent 30 days and where he and other inmates are said to have been regularly beaten at night by prison guards. It is believed that he was the one to have been beaten the most severely because he was suspected of having participated in the killing of a lawyer. He was reportedly usually asked to take off his clothes and beaten with nightsticks and electric wires, and cold water was thrown at him. He was also allegedly repeatedly slapped on his left ear. As a result, at the time of the interview (3 September 2000), he could apparently not hear any more on that side. Marks consistent with his allegations were still visible on his body. During the 30 days at the COC, he is said to have never been examined by a doctor and only given pain killers by nurses. He was reportedly not entitled to receive visits. According to the information received, one spring night in 2000 about 20 to 30 guards armed with thick wooden sticks, went to his cell, threw water at him and gave him electric shocks in the genitals. He allegedly talked about the beatings at the COC with a prosecutor in June 2000.

102. **Valdo Sebastião da Silva**, detained at Nelson Hungria prison, was reportedly tortured on 31 August 2000 during a hearing in Campobello. He is said to have been driven for 370 kilometres in a military police car in which he was handcuffed with his hands behind his back. It is believed that the military police did not drive carefully and sped up if there were bumps on the street. Before the hearing he was reportedly taken to a military police box in Campobello and humiliated and threatened for two hours. According to the information received, on the way back after the hearing, four military police officers stopped the vehicle, urinated on his face and hit him on his stomach. They reportedly put a white piece of rubber on his back and stomach and beat him. It is alleged that he was also repeatedly hit on his hands. It is thought that he received this treatment because he accused some military officers during the hearings. He is believed to have been in the hands of the military police from 9 a.m. to 10 p.m. As a result, his lower jaw was apparently loose and he allegedly had pain in the abdominal area. He had reportedly asked for medical attention, without results. At the time of the interview (3 September 2000), he was still bearing marks on his wrist consistent with his allegations.

103. **Cleibe Leonel Viana** was reportedly transferred to Nelson Hungria prison in September 1999 and kept in the "security room" for 16 days, wearing only his underwear. According to the information received, cold water was thrown on him at night and he was hit with a wooden stick by eight guards of a special team at the time of his arrival.

104. **José Vitorio dos Santos** was reportedly transferred to Nelson Hungria prison on 31 January 2000. According to the information received, he was beaten on his arms and chest with wooden sticks for more than four hours by four prison guards in the Criminological Observation Centre (COC) because he had allegedly been involved in an 1997 escape attempt. He allegedly asked to be taken to the Medico-Legal Institute but was taken to a normal doctor, escorted by penitentiary guards. The doctor is said to have examined him, to have reported that he had injuries all over his body and to have asked how he was injured. It is believed that he could not say the truth because of the presence of the guards. He allegedly talked about the beatings with a lawyer, but with no results. As a result of the beatings, he is believed to have kidney problems.

105. **Luciano Aparecido dos Santos**, a detainee at Nelson Hungria prison, was reportedly beaten on 31 August 2000 when he was moved from his cell. According to the information received, one of the teams composed of 12 guards started to slap and kick him at the entrance of the block to which he was transferred. The following day he was handcuffed and taken to a security cell by 12 guards. He was allegedly beaten on his ribs with sticks for about three hours by seven guards. It is believed that he fainted and did not answer their questions. His request to see a doctor was reportedly denied.

106. **Maria da Penha da Silva**, from Espirito Santo, was reportedly arrested on 4 June 2000. She was subsequently allegedly taken to a small room at a bus terminal in Belo Horizonte by two policemen and a policewoman who questioned her about drugs and reportedly beat and kicked her for some 30 minutes, compressed her neck and stuck a garbage bag in her mouth. She is then said to have been unable to swallow and to have suffered from a pain in her throat for a week. Allegedly, as a result of the ill-treatment, she signed a confession. She was reportedly subsequently transferred to the women's police lock-up of the Department of Investigation of Belo Horizonte. Her request for a medical examination was reported to have been denied.

107. **Elza Vidal de Souza** was allegedly arrested on 14 June 2000 on suspicion of having committed a crime under article 157 of the Penal Code. Five military police officers from the 10th district police station of Neves, who were said to have been wearing ninja masks, reportedly beat her on the head with the butt of a revolver. They allegedly took her to a forest, where they placed a rifle to her head, compressed her neck and threw her into a hole. They reportedly told her that if she did not reply to their questions, they would kill her and bury her in the forest. They are said to have told her to lie down, to have punched her and to have kicked her on the back and stomach. They reportedly hit her on the head. Subsequently, she is said to have been transferred to the 7th district police station, then back to the 10th district police station, where she allegedly remained for one month. She reportedly only received medical treatment three hours after her transfer to the Neves police station. She was reportedly given stitches at the Medico-Legal Institute without anaesthetic. Military police officers were reportedly present in the hospital room at the time of the medical examination. At the time of the interview (4 September 2000) at the lock-up of the main police station, Department of Investigation, Belo Horizonte, she was still said to be suffering from headaches as a result of the ill-treatment.

108. **Vilma de Olivieira Tomás** was allegedly arrested on 12 August 2000. During the arrest she was allegedly kicked to the head and beaten by three military police officers. She was reportedly brought to the 2nd district police station in Belo Horizonte, where she was beaten with a gun on her head and with a wooden stick on her arm. She was further said to have been beaten on her feet and head for half an hour with a *cocota* (tyre rubber wrapped around a wooden stick). She was allegedly told not to shout by the military police officers. She is said to have signed a prepared confession under threat of further beatings.

109. **Maria dos Santos de Souza** was allegedly arrested on 14 May 1999 in her home in the Suzana neighbourhood in Belo Horizonte. Twenty military police officers reportedly broke down the door of her house at 4.30 a.m. while she was asleep. They are said to have asked her to tell them who the drug lord of the area was. They reportedly took her to the narcotics division of a civil police station, where they are said to have hit her head against the wall and stifled her.

She was said to have been released from the police station on 16 August 1999, but later rearrested by the same military police officers. Maria dos Santos de Souza is reported to have lodged a complaint with the office of internal affairs.

110. **Patricia Nascimento Marques** was reportedly in a hotel room in January 2000, with a female friend and two male friends, when military policemen knocked on the door. Two military police officers are said to have started beating her, asking her whether she had participated in a robbery. She was allegedly naked at the time. Three military policemen reportedly took the two men into the room next door. Patricia Nascimento Marques and her female friend are said to have denied participating in the robbery. They were reportedly brought to the women's lock-up of the Department of Investigation of Belo Horizonte, then to the theft and robbery police station, where they were said to have been beaten on the palms of their hands with a *cocota*, to have had garbage bags tied around their throats so that they could not breathe and to have their heads covered with garbage bags by four military police officers and one inspector. They were reportedly told to sit in a corner, where the officers threw staplers at them and kicked them when they dozed off. Subsequently, they were said to have been taken to a small room, where they were beaten further and given electric shocks. The police *delegado* reportedly arrived and Patricia Nascimento Marques was said to have been presented with three pieces of paper on which were written confessions to having committed burglary, bodily harm and organization of a gang. She said she would not sign them and was reportedly beaten again. She reportedly signed a confession to organizing a gang. She later requested to be sent to the IML, as she was said to be virtually unable to walk due to the swelling of her feet. The police officers reportedly denied the request on the basis that she bore no marks. Her trial was said to have been scheduled for 5 October 2000.

111. **Sheila Barbosa** was reportedly arrested on 5 February 2000 by about 20 officers of the military police. One of them allegedly sexually assaulted her and kicked her. As a result, it is reported that her breast was swollen and her legs were covered with large bruises. It is believed that she was beaten in order to extract information on the location of a man with whom she was having a relationship and who was wanted by the police. She was reportedly asked to phone him and to set up an appointment. She is believed to have refused. She was then taken to the police station of Campina Verde, where she refused to give her real name in order to protect her boyfriend. On 7 February, she was reportedly informed that he had been killed and therefore decided to reveal her true identity. The police officers then found out that she was the subject of an arrest warrant in the State of Minas Gerais. She was informed that four officers would be coming from Minas, one of whom she knew (and whose name is known to the Special Rapporteur). She is said to have already been ill-treated by this officer when she was arrested previously in a drug case. When this officer arrived with his colleagues, it is reported that she was left alone with him in a small room, where they allegedly remained for nine hours. Handcuffed, she was allegedly sexually harassed, beaten, and her head was put in a bucket full of water. It is believed that she fainted on several occasions and was given some drugs. When she left the room, she was allegedly forced to sign some papers which she did not read. She was then reportedly given a bath and showed to the media who were waiting outside the police station. The following day, the same police officer allegedly threatened her by saying: "I will take you to Brasilia, and between here and Brasilia there are a lot of streams". She is reported to have stayed for some 25 days in Campina Verde police station. During this period, she is said not to have been interrogated. She is believed to have tried to commit suicide with sleeping pills

that were given to her. On 3 or 7 March, she was reportedly transferred by car to Brasilia by the same officer who had allegedly raped her. Upon arrival in Sobradinho police station, she was allegedly handcuffed to a window, seated on a bench. She is said to have remained handcuffed for an entire day. On the following day, she was allegedly taken to the bush by the same officer and other police officers. Gunshots were fired above her head and she was allegedly threatened. Taken back to the police station, she reportedly got in touch with her family. At the end of the following day, her sister arrived at the police station, but she had just been transferred to the women's prison in Brasilia. Before her transfer, she had reportedly been examined by a forensic expert to whom she complained about the treatment she had allegedly been subjected to in Minas Gerais. She was not shown the medical certificate. According to the information received, police officers from Sobradinho police station went several times to the prison, allegedly to take her out. According to her family, no one had been informed of her arrest and were told that they could not visit her for the first 30 days of her detention in Campina Verde police station. The Commission of Human Rights of the Congress is believed to have written a letter of concern to the police *ouvidor* of Minas Gerais, inter alia asking for measures to be taken immediately to have her visited by a doctor. The police officer responsible for the rape is reported to have threatened other members of her family if she continued to complain. Her family is said to have complained about these incidents to the police to no avail.

112. **Valeria Vieira Lopez**, a detainee at the women's section of the Department of Investigation, was reportedly slapped and called "black woman" when she returned to her cell after work on 3 September 2000.

113. **Zilda Messias Coelho**, a detainee at the women's lock-up of the Department of Investigation, was allegedly beaten by two officers of the night shift and a civil policeman during a night in June 2000. They reportedly took her out of the cell, slapped her, grabbed her by the neck and allegedly nearly strangled her. They are further said to have hit her head on the floor, as a result of which she is believed to have fainted. She was then allegedly taken to the hospital where she is believed to have received some medication. She reportedly brought this ill-treatment to the attention of the *delegado*, who is said not to have taken any action.

114. **Glaucia Andreia Gonçalves** and two other persons were allegedly arrested by six military police officers in Belo Horizonte on 19 August 2000. The police officers allegedly kicked her, made her take her clothes off and forced her to dance and sing. They reportedly hit her on the head with the butt of a gun and slapped her until her head bled. Approximately three hours later, she is said to have been taken to the Department of Investigation at 5.30 a.m. where her request to be taken to the IML was allegedly denied. At the police station she was reportedly asked to sign what she afterwards discovered was a *nota de culpa* without any explanations. It is believed that she did not see a lawyer.

115. **Elisabeth Maria Alves Motta** was reportedly beaten and arrested on 25 June 1999. According to the information received, when she arrived at home she found 20 police officers inside and one of them hit her with the butt of his weapon on her forehead. The people inside the house had allegedly already been beaten. It is reported that her foster son, aged 18, was beaten until he started to vomit blood. At that point, three hours after she had arrived, she allegedly admitted to drug charges. The police reportedly drove her around in a car for a long time

because they allegedly wanted the press to be at the police station when she arrived. It is believed that at 8.00 a.m. they finally took her to the narcotic drugs *delegacia* where she reportedly said that the drugs found were not hers. She was allegedly threatened and denied food and water for four hours. At about 4.00 p.m., her lawyer arrived and reportedly told her to sign a confession in order to receive water and food. According to the information received, she signed, and was then taken to the Department of Investigation where her request to be taken to the IML to confirm that she was a drug addict was not granted. The judge allegedly sentenced her to six years in prison.

116. **Anderson Laurenço de Santana** was reportedly beaten for two hours by four to five police officers of the theft and robbery police station in Belo Horizonte on 6 July 2000 after having allegedly been stripped naked. He was said to have been kicked and punched, as well as beaten with a large night stick. As a result, some of the teeth in his upper jaw were reportedly broken. His face is said to have swollen up, he is said to have felt very dizzy and to have sustained injuries to the head. He was reportedly denied medical treatment. At the time of the interview (3 September 2000), marks consistent with his allegation were still visible.

117. **Julio Cesar Brisda** had reportedly been arrested by five police officers at the beginning of June 2000 and brought to the Department of Investigations of Belo Horizonte. He was allegedly hit in the face and on his arms in order to make him sign a confession. He is said to have refused to do so. He was reportedly beaten three times, twice for about half an hour. As a result, he is said to have finally agreed to sign a confession. After a day, he was reportedly transferred to the theft and robbery police station in Belo Horizonte, where four police officers are said to have beaten him and to have told him that he was worthless. He reportedly had several teeth broken by police officers on a Friday at the beginning of June 2000, shortly after he had been brought to this police station. He was said to have been subjected to the "polish corridor". The police officers are also said to have hit him on the right arm and on a platinum graft in his left leg. He was also said to be suffering from a fungal infection due to the unsatisfactory hygienic conditions in the cell he was detained in at the theft and robbery police station in Belo Horizonte.

118. **Edivaldo Grisolgo Guimaraes** and **three other men** were reportedly arrested on 6 July 2000 by more than 40 military police officers. They were said to have been taken to a deserted place after a two-hour drive. They were allegedly beaten with a wooden stick and with guns. Edivaldo Grisolgo Guimaraes was also allegedly kicked. The police officers are said to have broken a rib on his right side, as well as a bone in his left forearm and to have hit him on the head, causing a dent in his skull. Then they are said to have taken the four men to the Department of Investigation of Belo Horizonte, and after a day Edivaldo Grisolgo Guimaraes was reportedly transferred to the theft and robbery police station in Belo Horizonte. Fifteen days after his arrest, his family is said to have discovered his whereabouts. As a result of the beatings, he is believed to have suffered from amnesia for 40 days. The police officers are said to have used psychological pressure to make him sign a confession and military police officers allegedly beat him at the police station. At the time of the interview (3 September), he was reportedly in need of a tooth extraction.

119. **Jose Jorge Cruz**, who was detained at the theft and robbery police station in Belo Horizonte, was said to be suffering from pains in his stomach and back since the morning of 2 September 2000, and possibly pneumonia. He was said not to have received any medical attention.

120. **Roni Ferreira Bernardes** was reportedly suffering from a broken left foot, which was swollen, and, at the time of the interview at the theft and robbery police station in Belo Horizonte (3 September), had not been let out of his cell for 45 days. He was said not to have received any medical attention.

121. **Carlos Adão de Brito** had reportedly been arrested on 1 September 2000 by military and civil police officers, who are said to have beaten him and a number of his relatives in his own house. He was reportedly beaten by the officers over his left ear on top of a bullet which had lodged in his head. His wife, who was reportedly pregnant at that time, was said to have been slapped. At the Department of Investigation in Belo Horizonte, officers reportedly forced him to sign a confession indicating that he had been carrying a weapon. He was said to have been hit with a rubber truncheon (*cocota*), including on his back, for half an hour. His arrest was said to have occurred in the context of a surprise attack on the whole *favela*. On 2 September, he was reportedly hit on the head again and given electric shocks at the 3rd district Police station, located in the same building as the theft and robbery police station in Belo Horizonte.

122. **Edmund Silver Boy**, from Espirito Santo, had reportedly been arrested on suspicion of bank robbery. In 1999, he was said to have been subjected to the technique called "parrot's perch" at the theft and robbery police station in Belo Horizonte. After speaking to Internal Affairs officers visiting the police station about three times, he was reportedly beaten again. At the beginning of August 2000, an officer reportedly burnt his right upper arm with a cigarette after he had talked to a *corregedor*.

123. **Fabio Almeida Gomes** and **Denilson Antonio Alexandre** were allegedly transferred on 24 August from the 4th district police station to the theft and robbery police station. It is reported that at the former they were organizing a revolt and were taken out of the cell. They were allegedly handcuffed with their hands behind their back and beaten with pieces of wood and rubber on the head, eyes and back and kicked for two and a half hours by a *delegado* and six or seven police officers.

124. **Eder Fabio da Marciano**, was allegedly beaten over the head with a chair in the theft and robbery *delegacia* of Belo Horizonte. It is reported that as a result of the beatings he is now mentally disabled and has vision trouble. At the time of the visit (3 September 2000), it was obvious to the Special Rapporteur that Eder Fabio da Marciano had lost his faculties and that his life would have been in danger had his co-inmates not cared for him. According to the information received, a witness saw police officers interviewing him on 23 August 2000 and hitting his head numerous times with a chair until it broke.

125. **André Luis Alvez Caetano** was reportedly arrested in August 2000 by five military police officers, taken to a dark street and beaten with wooden nightsticks for more than an hour. It is reported that he was later taken to the theft and robbery police station where he was

allegedly kept in a small room on the first floor. It is believed that there he was beaten by five police officers until he signed a confession. He was allegedly hit on the leg with a piece of metal, and punched and slapped while forced to stand up handcuffed for two hours. As a result he reportedly lost a tooth. It is believed that he was beaten until he confessed.

126. **Leandro Barbosa da Chagas** was reportedly beaten for three hours along with other detainees on 1 September 2000 at the vehicle theft and robbery *delegacia*. According to the information received, four police officers entered cell 1, handcuffed detainees and beat their hands, ribs and heads.

127. **José Carlos da Costa Lagos** was reportedly arrested in the street on 30 July 2000 by military police. According to the information received, the police set a dog on him, put a plastic bag over his head, hit him with sticks and kicked and punched him for about three and a half hours. He was allegedly taken to the hospital, to a *delegacia* and later to the vehicle theft and robbery *delegacia*.

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128. **Fabrício José de Souza** and **Neliton José Serrão Furtado** were allegedly arrested by six military police officers on 9 March 2000 in Belém. They were reportedly handcuffed and punched in the abdomen and the eyes. They were allegedly taken to a distant neighbourhood and beaten on the way. They were handcuffed together, and then the police officers reportedly aimed a gun at them and pulled the trigger six times, playing "Russian roulette". They were allegedly released the following day. The military police *corregedor* was reportedly informed about the incident.

129. **A.T.J.M.**, **G.A.P.S.** and **T.S.J.**, three minors, were allegedly arrested on 16 March 2000 in Belém under suspicion of having stolen a shirt. They were reportedly taken to a military police box, where they were reportedly beaten. The mother of one of them reportedly saw the officers hitting the boy and asked them to stop. They allegedly gave her a broomstick and told her to hit him as well. When she refused, they reportedly hit her over the head with the broomstick and punched her. She was allegedly verbally insulted and taken out of the police box. She was reportedly threatened with death if she told anyone about the incident. The Office of the Public Prosecutor, the Military Internal Affairs Division and the Police Ombudsman were reportedly informed about the case. The *corregedoria* of the military police allegedly concluded that there was not enough evidence of a transgression by the officers.

130. **E.M.B.**, aged 16, and another minor were allegedly arrested on suspicion of robbery by military police officers on 20 June 2000 in Belém. E.M.B. was reportedly taken to a forest area and beaten. He was allegedly held in custody for ten hours, and later taken to his grandmother's house. As a result of the beating, he reportedly vomited and sustained severe bruising. According to the information received, the police officers had told his grandmother that he was a "bum" and asked her for 15 million reais to release him. When she refused, the boy was allegedly taken to the Regional Police Station in Pedreira (*Secciona da Pedreira*). The following day he was allegedly transferred to a Child and Adolescent's Unit. The case is said to have been reported to the *corregedoria* and *ouvidoria* of the military police.

131. **Paulo Sérgio da Silva Costa** was allegedly arrested by civil police officers on 6 September 2000, accused of vagrancy. He was reportedly taken to the police station of Terra Firma in Belém. According to the information received, he was kept in a cell where he was beaten by an officer in the presence of the police chief, who eventually told the officer to stop. The following day he was reportedly transferred to the police station of São Braz where he was allegedly beaten by two civil police officers. On 21 September, he allegedly underwent an official medical examination. The Office of the Public Prosecutor is said to have been informed about the incident.

132. **Adroaldo Araújo**, an agricultural worker, was allegedly involved in a fight with another man and was injured by a knife. He was reportedly arrested by military police officers, handcuffed and taken to the police station of São Félix. His wounds were said to have been deep, but his request for medical assistance was allegedly denied. He reportedly died the next day at the police station. In April 2000, an official inquiry was allegedly opened and, according to the information received, a sergeant and a nurse were reportedly indicted for not allowing him access to medical help.

133. **Gilmar de Souza Lima, Aderesvaldo Rodrigues de Souza** and **Jaivan Vieria Reis** were allegedly arrested and beaten by civil police officers in 1996 in Rio Maria. They reportedly underwent an official medical examination which is said to have registered lesions consistent with their allegations. According to official police information, the official medical examination performed did not register any lesions. The police reportedly opened a police inquiry, and a police chief is said to have stated that the teenagers had spent one day in detention. It is believed that public prosecutors did not indict the civil police officers.

134. **H.S.G.**, aged 16, **A.S.O.**, aged 15, and **J.S. da S.O.**, aged 12, were allegedly arrested by a civil police officer in 1999 in Conceição do Araguaia on suspicion of theft of a bicycle, and beaten with a piece of wood inside a police station. They are said to have undergone an official medical examination but no police inquiry was reportedly opened due to fear of retaliation by the officers. According to the official police information, two military police officers were indicted.

135. **A.R.S.**, aged 14, was reportedly working when he was arrested by a civil police officer in Conceição do Araguaia in 2000 on suspicion of robbery. Subsequently, he was said to have been taken to a police station and to the place where he had allegedly committed the theft. According to the information received, **Webson Gama Barros**, aged 19, was also taken to the same place. They were reportedly beaten by a civil police officer and by the teenager's employer. They are said to have been taken back to the police station where they were reportedly beaten again. A police officer is reported to have broken one of Webson's teeth. A police officer allegedly pointed a gun at A.R.S.'s head and threatened him with death. The case is said to be under investigation by the Office of the Public Prosecutor in Conceição do Araguaia.

136. **Paulo Dantas Leal** and another man were allegedly arrested on 26 December 1997 in Redenção by military police officers for driving a stolen vehicle. They were reportedly taken to the 7th military police battalion and to the local civil police station. According to the information received, Paulo Dantas Leal was taken to a room and beaten for almost two hours, as

a result of which he reportedly died. The public prosecutor is said to have indicted four police officers and the police chief. Three of them are said still to be working at the Xinguara police station.

137. **Raimundo Milhomen Melo**, a barber, was allegedly arrested by civil police officers on 13 November 1999 on suspicion of robbery. He was reportedly taken to the civil police regional pre-trial detention centre in Marabá and later transferred to the police station in Curianópolis. According to the information received, he was severely beaten by the police chief and another police officer in a room at the station for two hours. When he was reportedly taken back to his cell, a witness allegedly saw bruises on his body. It is reported that his wrists bled and that he was shaking. A judicial inquiry was allegedly opened on 27 April 2000. According to the information received, the *ouvidor* of the police and the *corregedor* of the military and civil police were informed about the incident.

138. **Gedeon Costa Borges**, a driver, was reportedly arrested on 11 November 1999 and taken to the police station in Curionópolis where was allegedly severely beaten by three police officers, including the police chief. The officers are said to have placed a plastic bag over his head and to have tried to suffocate him. He was reportedly submitted to electro-shocks to his genitals and his toes. The police officers allegedly placed a heavy book on his head and hit his head with a wooden stick. The police chief reportedly placed a gun inside his mouth and told him to bite on it. It is believed that he broke his dentures. He is said to have been threatened with a gun and to have fainted from the beatings. A judicial inquiry has reportedly been opened.

139. **Renato Ferreira Sampaio** was allegedly arrested by military police officers on 15 November 1999 in Marabá on suspicion of attempted theft. He was reportedly taken to a military police box where he was allegedly kept in a room. He was said to have been punched and kicked for half an hour on the orders of a lieutenant. He is reported to have later been taken to the 4th military police battalion, where he was allegedly hit with clubs. He was reportedly taken back to the pre-trial detention centre of Marabá, where he was allegedly threatened with more beatings unless he signed a confession. He was reportedly released on the following day. A police inquiry is said to have been opened.

140. **Raimunda Francisca Santos Aguiar's** house in Belém was allegedly invaded by military police officers on 26 February 2000, who were reportedly searching for her son. When she did not tell them his whereabouts, they allegedly slapped her head, pushed her and threatened her with death, and destroyed her furniture. The commander allegedly pointed a gun at her 5-year-old son and threatened to shoot him. The police officers reportedly took **Adilson Santos Aguiar**, her 20-year-old son, away in their vehicle to an isolated area. He was allegedly held under water by the officers and continuously beaten in order to make him reveal his brother's address. He was reportedly taken to the police station of Jurunas and to the "*Seccional da Cremação*" and released the following day. The *ouvidoria* and the *corregedor* of the military police are said to have been informed about the incident. An investigation reportedly concluded that there was not enough evidence of the officers' alleged transgression.

141. **Reginaldo Rayol da Silva** was allegedly arrested by a civil police officer on 25 January 2000 in Belém. He was reportedly forced to enter a taxi, slapped on the face and threatened with a gun to reveal who had committed a robbery some days before. Two private

vehicles with five civil police officers inside allegedly arrived. It is said that Reginàldo Rayol da Silva was masked with his own shirt and put inside one of the cars where he was allegedly slapped on the face and punched in the ribs. He was reportedly taken to a building outside the city, where he was said to have been beaten and held under a tap until he almost suffocated. He was allegedly threatened with death with five guns pointing at his head and neck. Later on the same day, he was reportedly taken to the police station of Guamá where he was processed as if he had been caught in flagrante delicto. According to the information received, on 26 January 2000 he was transferred to Susbras, where he remained imprisoned until 18 February 2000. The *ouvidor* of the police and the *corregedoria* of the civil police were reportedly informed about the incident.

142. **G.C.N.R.**, aged 16, was allegedly arrested by military police officers on 7 March 2000 in Mosqueiro and taken to the Mosqueiro police station. He was reportedly severely beaten during his arrest. The following day, he allegedly ran away. As a result of the beating, he reportedly lost a lot of blood. Ten days later he was taken to a doctor and transferred to a hospital where he is said to have died the following day. The autopsy reportedly concluded that he had died from a haemorrhage produced by skull trauma. A judicial inquiry has reportedly been opened.

143. **Antônio José da Silva** was allegedly arrested by three military police officers on 7 May 2000 in Uruará. He had reportedly been involved in a fight with a number of teenagers on that day and was allegedly taken to the local police station where he is said to have been severely beaten. He was reportedly released on the same day. He was allegedly taken to a hospital later on that day where he died. His dead body was reportedly taken home by his relatives who allegedly saw that his back was covered with red spots. Their request that doctors examine the body was reportedly denied. According to the information received, the *corregedoria* of the military police was informed about the death and opened and investigation that reportedly concluded that there was no indication of a crime (*indicio de crime*), but only a "disciplinary transgression" committed by the police officers. According to the information received, the officers involved in the incident were punished with four days of detention. The *ouvidor* of the police is said to have been informed about the incident.

144. **D.C.C.**, aged 12, and **R.F.da S.**, aged 13, were allegedly approached by military police officers at their school on 9 March 2000 on suspicion of having stolen a wallet. They are said to have been slapped and punched in the face and on the hands and to have been verbally insulted by the officers. The boys were reportedly taken to the police station in São João Pirabas and then two police officers and the alleged owner of the wallet reportedly took them to a vacant lot and beat them. According to the information received, D.C.C. was hit with a gun butt on the head and R. F. da S. was punched in the face with a handcuff. They were reportedly kept in a car for four hours before being returned to their parents. D.C.C. is believed to feel constantly dizzy as a result of the beatings and to be afraid to go to school because of the officers' alleged threats. The *ouvidor* and the *corregedoria* of the civil police were allegedly informed about the incident.

145. **Adilson Vieira** was allegedly arrested by civil police officers on suspicion of theft and murder and taken to the Cabanagem police station. He was reportedly later transferred to the police station in Abaetetuba. On 28 December 1999, he was allegedly beaten and had salt rubbed onto his body. He reportedly had his arms and feet handcuffed to the cell bars and had to

keep standing for hours. During the night, his waist was also said to have been tied to the bars. The Office of the Public Prosecutor and the police *ouvidor* were reportedly informed about the case.

146. **W. dos S.S.**, aged 15, was reportedly caught by the police on 7 June 1999 in Xinguara and taken to a deserted location where he is believed to have been kicked in his legs, chest, back and genital area. He was allegedly handcuffed and threatened with death. A small amount of marijuana was reportedly found among his possessions. According to the information received, he told the police the name of the person who had given the substance to him. The policemen reportedly found the other boy and took both of them to the Xinguara civil police station. W. dos S. S. was reportedly kept handcuffed in a small room and beaten by police officers who punched and kicked various parts of his body and hit him on the neck and head with a gun butt. He was reportedly taken to a cell. Later that day he saw that the other boy had a bloodied face and a broken tooth due to alleged beatings. According to the information received, he was detained for three days in the police station, during which he was reportedly beaten several times and threatened with death. He received no food, water or medical assistance. His mother and lawyer were allegedly not allowed to see him. After his release he is said to have been taken to a clinic. The doctor reportedly concluded, in a report dated 21 July, that he suffered from post-traumatic stress disorder. It is reported that he remained hospitalized for nine months and that he has received psychiatric treatment. An inquiry was allegedly opened. One of the officers who imprisoned and beat him had already allegedly been indicted for beating to death another prisoner two years earlier. The police chief involved in the incident has reportedly been promoted. The Special Rapporteur notes that he sent an urgent appeal on behalf of W. dos S.S. and his mother on 15 December 2000 (see E/CN.4/2000/66, para. 190) and on 19 January 2001. At the time of the last urgent appeal, they were said to have been followed by one of his alleged torturers while receiving medical treatment in Belém.

147. **Fábio Campos Queiroz**, aged 18, was allegedly detained and tortured by two police officers along with W. dos S.S. (see above), between 7 and 9 June 1999 at the police station in Xinguara. He was allegedly taken to a bridge where he was hit with a rifle butt, in particular on the face, and his head was allegedly slammed against the car. It is believed that the *delegado* did not intervene to stop the beatings at the police station, even when he was covered with blood. According to the information received, after the incident he could not walk for five days. He is said to have been constantly threatened by the two police officers who allegedly beat him. In July 1999, one of them reportedly offered him a gun and money if he would testify in their favour in court. He is believed to have refused, and went into hiding from the officers. It is reported that on August 2000, his nephew was threatened with death by the officers in order to discover his whereabouts.

148. **J.A.R.**, a 14-year-old maid, was allegedly beaten by two civil police officers on 25 September 1998 in Redenção. According to the information received, she was accused of having stolen from her employers and the officers reportedly wanted to extract a confession from her. They allegedly beat her hands and buttocks with a wooden stick. It is said that she was burned with cigarettes. The officers reportedly left and her employers and two other employees allegedly kept beating her. Her employers beat her with a wooden stick and threatened to douse her with petrol and set her on fire. The two employees allegedly pointed a gun at her and threatened her with death throughout the night. During the following morning,

police officers in plain clothes reportedly beat her again. They allegedly stopped when she accused someone else. The Redenção Guardianship Council was reportedly informed and forwarded the case to the Office of the Public Prosecutor. According to official police information, the case is not registered at the Conceição do Araguaia police station. No police inquiry or other official investigation is said to have been opened about the incident.

149. **C. de M.R.**, aged 14, **M.C.A.**, aged 16, **N. da S.S.**, aged 17, were allegedly arrested by two civil police officers on 21 July 1997 in Redenção, on suspicion of robbery. They were reportedly subjected to electro-shocks and beaten on the head and buttocks. The Redenção Guardianship Council is said to have informed and forwarded the case to the Office of the Public Prosecutor on 4 August 1997. According to the information received, an official police inquiry was opened on 13 October 1997 under the supervision of the chief of the police station in Redenção, who reportedly had been previously indicted by a public prosecutor for the crime of torture. According to the information received, the officers have not been punished and one of them is said to be still working at the same station. On 18 November 1997, N da S S was allegedly rearrested in Redenção by three police officers. According to the information received, the officers kicked and punched him on his head, torso and other parts of his body. The following day, his mother reportedly told the Guardianship Council about the alleged beating and the boy reportedly underwent an official medical examination. No police inquiry or other official investigation are said to have been opened concerning the second arrest.

150. **Adão Pereira**, an agricultural worker, reportedly died on 26 May 1993 as a result of having been tortured for a whole night by civil and military police officers at the São Félix police station in Xingu. It is reported that there were three witnesses to the case, and that a judicial inquiry has been opened. Proceedings are said to have reached a standstill. A police officer and a chief of police were reportedly indicted, but have not been punished.

151. **Osório Barbosa Barros**, an agricultural worker, was reportedly arrested by civil police officers on 8 September 1993 on suspicion of murder. According to the information received, he was taken to the police station in Xinguara where he is said to have been given electro-shocks and to have been suffocated and beaten for five days.

152. **Edilson Barbosa de Oliveria**, a haemophiliac, was allegedly beaten by a military police officer on 12 July 1998 in a military police box in Rio Maria. He reportedly went into hospital for four days. Military police officers are said to have been indicted.

153. **L.R. da L.**, aged 16, and **E**, aged 14, were reportedly beaten and taken to a police station by military police in Rio de Maria on 14 June 1998 after the sister of L.R. da L. allegedly called the police because they would not turn their music off. Once released, they were allegedly threatened not to tell anyone about the incident. According to the police, there is no report about the incident at the police station in Rio de Maria.

154. **L.**, aged 16, was allegedly arrested by military police officers on December 1999 in Rio Maria on suspicion of theft. He was reportedly taken to a police station where he was allegedly punched and kicked in the face and ribs. According to the information received, he was imprisoned for several hours and later released as a result of action by the Guardianship

Council. The Office of the Public Prosecutor has allegedly been informed about the case and is said to be investigating. It is believed that the police officer accused of involvement in the accident have not been punished or reprimanded.

155. **F.P.C.**, aged 14, was allegedly beaten by a military police officer on 26 April 1998 in Tucumã. His cousin was allegedly playing soccer and got into a fight on the football field. The officers reportedly saw the incident and started to beat everyone involved. When F.P.C. allegedly asked them to stop, an officer reportedly started to beat him up. As a result, he reportedly almost lost consciousness. The Guardianship Council allegedly informed the Office of the Public Prosecutor about the incident. According to the information received, no official inquiry has been opened.

156. **José de Souza Porto** was allegedly beaten by a civil police officer from Redenção on 3 September 1999 during a party in Rio Maria. It is said that while he was being beaten three military police officers arrived and started to beat him as well. According to the information received, he was taken to a police station where he was reportedly kept for 24 hours. The military police are believed to have been informed about the incident. According to the police, the civil police officer who allegedly beat him has been indicted.

157. **Ricardo da Silva**, aged 18, **Manoel da Silva**, aged 26, and **José dos Santos**, aged 22, were allegedly arrested on 15 December 1999 by military police officers and taken to a police station in Rio Maria, where they were reportedly kept for 24 hours and beaten by a civil police officer. According to the police, there is no register of the incident at the Rio de Maria police station.

158. **Elvis Marques Teixeira**, a 21-year-old manual worker, was allegedly punched by two police officers at a party on 8 October 1999 in Marabá. According to the information received, the next day he was reportedly arrested by the two officers. He was allegedly taken to the police station of Morada Nova where he is said to have been beaten by four military police officers and threatened with death with a gun pointed at his head. He allegedly lost four teeth due to the beatings. He was subsequently released. In police custody, he allegedly had no access to a lawyer or any other person. The local media were reportedly informed about the incident and a police inquiry is said to have been opened. According to the information received, since the incident he reportedly has been receiving death threats.

159. **Adalio Martins Queiroz**, a public employee, had reportedly been asked by a friend to inquire about a colleague who had been arrested at a song festival. On 16 March 1998, he allegedly asked two police officers whether they had arrested the woman concerned and then went to the police station in São Geraldo de Araguaia, where he spoke to her. When he left, he reportedly drove past a police car on his motorcycle which flashed its lights at him. When he stopped, the police officers are said to have told him that he was following them and for that reason they were arresting him. He reportedly replied that they could not arrest him, whereupon they allegedly drew a gun and fired at Adaildo Martins Queiroz. Many people were reportedly watching. The police officers argued with Adaildo Martins Queiroz about the machete tied to his motorcycle with which he had been working. The police officers allegedly suggested that they all go to talk to the lieutenant. Thinking that the latter might have some training, Adaildo Martins Queiroz decided to go with the police and got into the police vehicle. The officers are

believed to have driven to the police barracks where they called the lieutenant, who had allegedly been at the song festival and was said to have been intoxicated. Having listened to an explanation of the events, the lieutenant and, subsequently, the three other police officers are said to have drawn their weapons and told Adaildo Martins Queiroz to give himself up. He was allegedly handcuffed and punched.and one officer reportedly tried to kick him in the genitals and hit him in the side. The officers allegedly hit him several times on the head with a pistol, a revolver and a rifle. They reportedly shot in his direction, and threatened him with death. As a result, he is said to have lost consciousness. He is said then to have been taken to a civil police station, from which he allegedly escaped the same day. The following day, he allegedly reported the incident at another police station. The lieutenant, who is said to have been appointed *delegado* several days after the incident, is said to be turning up at Adaildo Martins Queiroz's place of residence in an intoxicated state. The latter is reportedly subjected to pressure by other officers to change his statement, which he has refused to do. He reportedly underwent two medical examinations, which are said to have registered lesions consistent with his allegations. An inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

160. **Jairo Barros de Araújo** was allegedly beaten by two reportedly drunk policemen in plain clothes in a bar in Marabá on 9 April 2000 while he was discussing the bill with the bar's owner, who was also said to have been beaten by the police. The above-named person was reportedly taken to a police station where it is reported he was severely punched, kicked and beaten with a *palmatória*. The officers allegedly took his money and watch. He was reportedly released three hours later after being threatened not to say anything about the incident. According to the information received, he underwent a medical examination, which allegedly registered lesions consistent with the allegations. An inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

161. **Hildebrando de Silva Freitas** was allegedly arrested by civil police officers in his bar on 15 November 1997 in Belém. He is said to have been hit on the neck during his transfer to the police station of Telégrafo. His family was reported to have been informed of his arrest immediately. At the police station, he was reportedly beaten, slapped on the face and punched in the kidney region by police officers upon the *delegado*'s orders and thrown into a cell. The *delegado* allegedly threatened that he was going to "become a woman" inside the cell. He was reportedly frightened and tried to run away. The *delegado* reportedly shot in his direction and started to kick his genital area. He was allegedly taken to a special cell, where he was reportedly beaten again by detainees to whom police officers had given iron bars. Some days later, he was reportedly released on bail. He reportedly underwent an official medical examination at the IML which is said to have registered lesions consistent with the allegations. He then reportedly filed a complaint with the *corregedoria* and the *ouvidoria*. It is believed that there has been no substantial investigation by the *corregedoria* while the *ouvidor* has been closely following up the matter. According to the information received, the police claimed that his injuries were self-inflicted. The police have brought forward false witnesses stating that he had paid people to beat him up after he was released from the police station. It is nevertheless believed than less than 30 minutes after his release he was at the IML which recorded injuries as that had not been inflicted recently. A witness to the beatings in the police station is also said to have testified. The police investigation is said to have ignored the statement of this witness. Finally, it is

reported that the *delegado* and five police officers were indicted by a public prosecutor in June 2000. An appeal is said to have been immediately filed by the police officers with the State Court of Appeal.

162. **Edilson Feio do Couto** was reportedly arrested by a retired police officer on 18 August 2000 and severely beaten, in particular on his ears (*telefono*), at the Guama police station in Belém. It is reported that he was beaten by the *delegado* with a large wooden stick for forty minutes. He is believed to have stayed there for four days and to have signed a *nota de culpa* after two days after having been beaten every morning and night for about an hour each time. According to the information received, the *delegado* wanted to make him confess to other crimes. At the time of the interview (9 September), he was reported not to have yet been brought before a magistrate. It is believed that he saw a lawyer to whom he complained about the treatment he had allegedly been subjected to. Upon arrival at the police station of São Braz, he was allegedly held in the punishment cell (*forte*) for five days.

163. **Givanildo Silva Lemos**, also called Marabasiño, was reportedly arrested on the morning of 8 September 2000 by members of the civil police in the Praopebas area, Curianópolis, on suspicion of robbery and homicide. It is believed that he was arrested on a judicial order which was said not to have been shown to him at the time of arrest. He was reportedly taken to a local police station where he was allegedly severely beaten by four police officers with a large wooden board, in particular on the head and back, for approximately two hours. On the same day, at around 9 p.m., he was reportedly taken to the pre-trial detention centre of Marabá, where he was directly taken to the *delegado*'s office. It is believed that he was beaten by two investigators with wooden sticks on the back and head. According to the information received, other policemen, including the *delegado*, witnessed the interrogation and beatings. At some point, the *delegado* is said to have asked his subordinates to keep beating him, but less severely. It is believed that the *delegado* was afraid that he would otherwise die. The two following days, he was asked to sign a prepared *nota de culpa* that he could not read. At the time of the interview (10 September), he bore visible marks, in particular an open wound on his head and large haematomas on the back and arms, consistent with his allegations. He was also afraid of being subjected to reprisals.

164. **Edivaldo Viana Souza** was reportedly arrested on 10 May 2000 at his home in Maraba on suspicion of illegal possession of firearms. It is believed that he was arrested by three civil police officers wearing civilian clothes. He was allegedly beaten and punched at the time of arrest. He was said to have been handcuffed and dragged through the street. The right side of his face was allegedly completely scratched. It is believed that a picture of him consistent with his allegations appeared in a newspaper. At the time of the interview (10 September 2000), scars were still visible on his wrists. He was then taken in a van to the Maraba pre-trial detention centre, where he was allegedly beaten on the right knee with the barrel of a gun by the *delegado* and a police officer. At the time of the interview, a large scar was still visible. He was said to have been asked to sign a confession without knowing what was written in it. He was then reportedly taken to a cell. After 30 days, he was reportedly taken back to the *delegado*'s office where he was reportedly interrogated about some murders which were said to have been committed in 1997, at a time he claims he was not living in the State of Para. He allegedly signed new papers under threat of being beaten again if he did not sign them. It is believed that he saw a lawyer only 60 days after his arrest, when he appeared in front of a magistrate. It is

reported that he had already had four hearings and had been charged with murder. Out of fear of reprisal, he reportedly did not complain to the judge about the ill-treatment he was allegedly subjected to.

165. **Antoñio Neto da Silva** was reportedly arrested on 6 April 2000 at his home in Cidad Nova, Maraba. It is believed that he was arrested because he was living with a 14-year-old girl whose father accused him of having raped her. He was reportedly arrested by two military police officers, who broke the door of his house and punched him. It is believed that he was put handcuffed in the trunk of a vehicle and taken away. Next to a bridge, the two officers are said to have taken him out of the trunk and to have apologized for his arrest since the girl had reportedly not complained of anything. He was nevertheless taken to the Maraba pre-trial detention centre where he was detained. Since then, he does not know under which procedure he is detained. Early in June 2000, he is believed to have fallen sick, in particular vomiting blood. He was reportedly taken to a hospital where a doctor advised that he should be hospitalized. He was nevertheless only given an injection and taken back, handcuffed and in the trunk of a vehicle, to the detention centre, a two-hour drive. Upon arrival, it is alleged that he was beaten on the chest by a police officer with the butt of a gun. It is believed that police officers wanted him to sleep handcuffed that night. They were reportedly prevented from doing so by the *delegado*-in-charge. According to the information received, he thereafter refused to complain when he was sick for fear of being further ill-treated.

166. **Claudio de Souza Oliveira**, a street seller, was reportedly arrested on 28 March 2000 at his home in Maraba, by two civil police officers and an informer, on suspicion of larceny and possession of marijuana. It is believed that they destroyed everything in his house and that he was beaten and punched during approximately 20 minutes. One officer is said to have stepped on his neck. He was then reportedly taken to the Maraba pre-trial detention centre. During the first night of his detention, at around 3 a.m., he was reportedly taken out of his cell and was asked by a police officer how much he could pay to be released. As he could not pay the sum asked (1,500 reais), he was reportedly threatened with a wooden stick and a leather belt and asked to sign a confession. According to the information received, he complained to the magistrate at the first court hearing of his case about being asked to pay a bribe in order to be released, but did not say anything about the beatings for fear of reprisals.

167. **Deuziel Ribeiro da Silva** was reportedly arrested on 19 October 1999 on a street in Maraba by four military police officers at around 2 p.m., on suspicion of homicide. He was allegedly kicked and punched at the time of arrest. He was also allegedly beaten with the butt of a gun. During his transfer to the crime scene, he was said to have been threatened. At the scene, he was allegedly interrogated and beaten for half an hour. He was then reportedly taken to the Cidad Nova police station, where he stayed for one night. He was then reportedly taken to the Maraba pre-trial detention centre, where he was forced to sign a confession under threat of being beaten. At no point was he given access to a lawyer. At the second hearing of his case, he is believed to have complained about the beatings to the judge, who is said to have indicated that he would take action. At the time of the interview (10 September 2000), he still bore marks, in particular scars on the arms and chest, consistent with his allegations.

168. **Fabio Tavares da Silva, Rilton de Silva Soares** and **Amadeu Almeida Pemental** were reportedly sleeping at the house of a friend, who had invited them to stay with him after

participating in a political rally the night before, 7 September 2000. Six or seven military police officers reportedly arrived at the house and broke down the front door at 7 a.m. on 8 September, reportedly waking them up by punching them and then beating them on the head, neck and face for several minutes. A police officer is said to have pointed a gun at them. Another police officer is said to have beaten them on the stomach and back with his belt, whilst questioning them about a gun belonging to the owner of the house. They were all handcuffed very tightly, as a result of which Fabio Tavares da Silva reportedly sustained swollen hands and scratches to his wrists; the handcuffs on the other two were reportedly loosened. A policeman is said to have placed a pistol to their kneecaps stating that they would have to tell him who the gun belonged to. They are said to have responded that it was not theirs. The police allegedly placed soda on them, stating that it was drugs. They were subsequently transferred to the Guama police station - Fabio Tavares da Silva in his underwear - where they were reportedly taken into the yard, beaten for 10 minutes and reportedly had soap rubbed into their eyes. They were then reportedly asked for 3,000 reais to be released. The police are said to have threatened the three detainees with calling in "heavy artillery" if they did not talk. They are also said to have let the media enter to film them. At the time of the interview (8 September 2000), marks consistent with their allegations, such as a scar to the mouth, scars to the lower legs and swellings on the hands, were still visible, and Fabio Tavares da Silva was still in his underwear.

169. **José Ricardo Vianna Gomez** and **Marcio Furtado Correia Paiva** were reportedly arrested by three military police officers on 5 or 6 September 2000, at which time they were allegedly beaten. They were said to have been brought to a military police box in Tierra Firma, where they and another person, **Valdi Aleixo Barata**, were beaten again whilst handcuffed. In the military box, José Ricardo Vianna Gomez was reportedly beaten by two military police officers with a *palmatorio* with a hole in the middle. An officer reportedly put a weapon against his head, stating that he would kill him. They were said to have subsequently been thrown into a police van and to have been transferred to the Tierra Firma district police station, where José Ricardo Vianna Gomez was reportedly forced to sign a confession for armed robbery. He had reportedly stated that he did not possess a weapon, so a knife was said to have been placed on him. The next morning they were said to have been transferred to the district police station of São Bráz. Both had been said not to have received any medical treatment, despite a request for it. At the time of the interview (9 September 2000), marks consistent with their allegation, such as a rounded haematoma on the left upper leg of José Ricardo Vianna Gomez, haematomas on Marcio Furtado Correia Paiva's left upper arm, an inflamed and swollen scar 1 to 2 centimetres in length on his head, and marks on Valdi Aleixo Barata's right back, shoulder and arms, were still visible. On the same day, the Special Rapporteur found a *palmatorio* with a hole in the middle in the Tierra Firma military police box, on which was inscribed "Tiazinha, chega-te a mim" (snuggle up to me) and "Agora me dan medo" (now I am afraid), consistent in its description with that given by the persons named above.

170. **Joel dos Santos Rocha** was reportedly arrested on 5 September 2000 during his participation in a political rally. He was said to have been in a fight with members of a political party. Police officers reportedly arrived, beat him and gave him electric shocks in the street. As a result of the beatings, he is said to be suffering from injuries to his left arm, bruises on the two little fingers of his left hand and his eyes, scabs on both his knees and a painful nose.

171. **Manuel Ramod Amarujo** was reportedly shot twice by police officers in the right side of his chest when he was driving his car in February 2000. He was stopped by a team of police officers from Maraba, including the *delegado*, and subsequently beaten. Two other persons were said to have been killed, one of them allegedly executed at point blank. In detention he was not provided with any medical treatment despite his request. The police are said to have replied that he could die.

172. **Marcos Fábio Costa do Souza** was reportedly arrested in Maraba in May 2000 by three civil police officers, amongst them a *delegado* and an investigator. The police officers reportedly placed a plastic bag over his head, inducing a feeling of suffocation to force him to confess to the accusation of having accepted money in the Jaconda police station. He is believed to have been beaten with a big iron bar, the bumper of a truck, on all parts of his body. As a result, his left arm was reportedly dislocated. Over three days, he was said to have been forced to eat salt and drink ethanol in huge quantities. Six days later, he was said to have been visited by his lawyer, who requested his transfer. When he asked for medical treatment, he was allegedly told that a doctor was not available. Marcos Fábio Costa do Souza reportedly underwent a medical examination at the Forensic Medical Institute only 15 days later.

173. **Marcelo Paixas Azeredo** was reportedly arrested in Maraba on 8 May 2000 by civil police officers, amongst them a *delegado*, who are said to have taken him to a farm, where they placed a plastic bag over his head. He was subsequently allegedly beaten with iron bars and wooden sticks on the left side of his body and given electric shocks to his armpits. The officers are said to have fired shots next to him in order to extract a confession. He was subsequently taken to a *delegacia*, where he was allegedly beaten again. As a result, he is said to have subsequently signed a prepared confession to homicide.

174. **Cledilson Marcos Rodrigues** was reportedly arrested on 28 May 2000 on an avenue in Maraba by five military police officers, including a lieutenant, who are said to have taken him to a forest, where they are said to have beaten him for two and a half hours with a wooden stick and belts. He was subsequently transferred to the Maraba pre-trial detention centre, where he was reportedly beaten for another half an hour. As a result of the beating, he is said to have signed a confession to stealing a television set. The *delegado* had reportedly stated that there was no evidence against Cledilson Marcos. When his father visited him, he was reportedly pushed against the wall. Cledilson Marcos Rodrigues was then allegedly taken to the Forensic Medical Institute (IML) where he reportedly received no proper medical examination. The doctor is said to have asked him what had happened to him. Cledilson Marcos Rodrigues reportedly told him that he had been beaten, whereupon the military police officers intervened and stated that he had slipped. The doctor is also said to have warned him not to tell his story. The military police are said to have invited the press to the prison in order to portray him as a culprit. He is also said to have been threatened with death upon his release. At the time of the interview (10 September 2000), marks consistent with his allegation, such as marks on his back and on his left wrist, were still visible.

175. **Adewilson Ferreira dos Santos** was reportedly arrested on suspicion of having stolen a video cassette and taken to the police headquarters in Maraba in March 2000. There he was said to have been taken to a room where he was reportedly given electric shocks by two civil police investigators, a prison guard and the police *delegado*. The prison guard reportedly hit

Adewilson Ferreira dos Santos's head against the bars of the door, as a result of which he is said to have fainted. He reportedly required stitches over his left eye. The *delegado* is said to have told him that if he signed a confession he would be taken to the IML. He reportedly signed fabricated evidence of having been caught in the act. He was reportedly taken to the IML at a later stage, however he allegedly never received a copy of his medical report. At the time of the interview (10 September 2000), marks consistent with his allegation, such as a scar over his left eye, were still visible.

176. **José Lúcio dos Santos Arcanjo** was reportedly arrested in Marabá on a preventive arrest warrant on 21 May 2000 on suspicion of homicide. He is said to have been placed in a cell in the police headquarters in Marabá. Around 26 May, he was reportedly taken out of his cell at 3 a.m., handcuffed and brought to the office of the regional *Delegado*. There, he was reportedly threatened with being beaten if he did not sign a confession and is said to have had a knife pointed at his stomach.

177. **Wagner Bispo dos Santos** was reportedly arrested without a judicial warrant on 10 January 2000 in Marabá by civil police officers, including the *delegado*, who are said to have wanted to find out about a mugging. They reportedly beat him across his back with the *delegado*'s chair and pointed a gun at him. Wagner Bispo dos Santos told them that he was innocent and did not sign.

178. **Paulo Alves Ferreira**, who was said to have been accused of having stolen a stereo system, was reportedly severely beaten up in the Marabá pre-trial detention centre around 17 July 2000 in order to make him confess to a number of burglaries. He allegedly stated that he was not involved, but signed a confession as a result of the beatings. The officers involved reportedly hit him on the chest with a revolver and pointed a gun at his head. The *delegado* reportedly said to him that he was "worth nothing". When he requested a medical examination, he was reportedly denied medical treatment.

179. **Six detainees** were reportedly placed naked in a very damp and filthy punishment cell for 24 hours around 26 August 2000 at the pre-trial detention centre in Marabá. At 3 a.m., drunken police officers are said to have come with the *delegado* and to have threatened the detainees. They reportedly pointed a machine gun at them and prepared the trigger. They allegedly said that if the detainees made any noise, they would toss a home-made bomb into the cell.

State of Paraibá

180. **José Edison Dias**, a 31-year-old physically and mentally disabled fisherman, was reportedly arrested on 8 December 1998 in São Miguel by the military police under suspicion of sexual abuse. According to the information received, he was taken to the local police station and was beaten by the local police chief and two police officers. The police chief reportedly stepped on his chest, crushing his thorax. The two police officers allegedly placed an automobile tyre on his chest and jumped on the tyre. It is reported that the officers ordered him to get up and enter a cell. When he did not get up, he was said to have been dragged to a cell and doused with cold water. The following day the police chief reportedly beat him again. He was allegedly kept in custody for three days without receiving any food. On the morning of 10 December 1998, he

was taken to a clinic where doctors examined him for the first time since his arrest. He was reportedly released after the doctors' examination. On the night of the same day, he is said to have returned to the clinic where he received oxygen and medication. According to the information received, he died on 11 December 1998. His body was reportedly taken to a clinic and afterwards to the Police Forensic Medical Institute (IML). It is reported that, according to an autopsy performed by the official medical examiner, he died of bronchial pneumonia and a gastric ulcer not related to the alleged beatings he had suffered. The Commission of Human Rights of the Brazilian Bar Association, a public prosecutor and his parents are reported to have requested the exhumation of his remains. According to the information received, the Forensic Medical Institute of Veloso de Franca and the Forensic Medical Institute of Paraíba State performed an autopsy on 23 January 1999, concluding that his death resulted from profound trauma to his thorax and abdomen and not from bronchial pneumonia as the initial autopsy had concluded. On 3 February 1999, the public prosecutor of Rio Grande Norte State indicted two police officers.

181. **Evandro Coelho Domingos**, a 22-year-old car washer, was reportedly picked up by military policemen in two police cars in João Pessoa on 8 May 2000 on the accusation of having used "Royphinol". He is reported to have been handcuffed and brought to a nearby beach, where he was allegedly beaten up by eight policemen, burned with the car exhaust pipe and thrown against a fence. The policemen also allegedly stole his personal belongings.

182. **José Leandro Correia**, a 51-year-old plumber, was reportedly arrested by the police and taken to the 1st district police station in João Pessoa on 24 January 1997. It is reported that he was found dead some hours later. According to the information received, the first investigation report recorded natural death, however a second one concluded that his death was caused by multiple trauma.

183. **José Gonçalves**, detained at the Róger prison in João Pessoa, was allegedly beaten by police officers on 11 March 2000. As a result he reportedly needed 12 stitches to his head. Several other prisoners, including **Neco, Bindo** and **Veinho**, were also reportedly beaten by police officers after an attempt to break out of the prison.

184. **Adriana Gomes de Sousa**, a 24-year-old woman, was allegedly arrested by two military police officers on 29 July 2000 in Cajazeiras. She was reportedly taken to the 6th Battalion headquarters. According to the information received, she was beaten, kicked and almost suffocated with a plastic bag around her head for about four hours. She is said to have fainted four times. She was reportedly threatened with death not to speak about the incident and transferred to a police station, where she was allegedly kept for a further 24 hours before being released. A judicial inquiry was reportedly opened and four police officers involved have allegedly been identified.

185. **Adalberto Simões da Silva, Roberval Valdevino dos Santos, João Viana de Brito, Luciano Ferreira da Silva, Valdecir Alves da Silva, Otoniel Vicente da Silva, Jair Francisco da Silva, José Edmilson Balbino da Silva, José Roberto da Conceição, Luiz Ferreira Neto, Antônio Tertuliano Sales, Edielson Barbosa de Lima, Ivanlido Batista da Silva, Jadiel Pinto da Silva, João Batista Souza da Silva, José Batista da Silva, José Hildo Pinheiro Leite, Valdério do Rego, José Irenaldo Pereira do Nascimento,**

Alex Sandro Santos da Nóbrega, Antônio Gomes Ferreira de Araújo, Elias Fernandes dos Santos, Edilson Santos Barbalho and **Luiz Ferreira da Silva**, detained at the Silvio Porto Penal Prison in João Pessoa, were reportedly beaten by 30 to 40 police officers on 12 July 2000. The officers, some of whom were allegedly masked, reportedly used wooden sticks, baseball bats, clubs and guns to beat them and allegedly shot into the air several times. Prisoners were also allegedly verbally abused. It is believed that an attempted break-out occurred on 7 July 2000 and the police officers were searching for the tools used. A judge reportedly visited the prison and photographed the detainees' bodies and tape recorded their reports about the incident. According to the information received, there are witnesses to the case. The detainees are said to have constantly been threatened by the prison guards not to comment about the incident. An inquiry was allegedly opened on 14 July 2000 and three prisoners with less severe beating marks than the others reportedly underwent an official medical examination on 15 July 2000.

State of Paraná

186. **Valdir José Chamoskovisk**, a detainee at the Central Prison of Piraquara, also known as "General", has reportedly been kept for seven years in an isolation cell and has only very recently been allowed to be visited by a doctor. He is reported to be suffering from mental illness. He was reportedly sentenced to 18 years' imprisonment.

187. **Valdecir Bordignon, Lorival Lesse** and **Aristide dos Santos Lisboa**, agricultural workers, were among a group of 30 families that reportedly occupied a farm in Paraná on 26 April 1999. On 29 April, two court officials, some 10 officers from the civil police Special Operation Group wearing black vests and masks, two plain clothes civil police officers and 20 military police officers arrived at the farm with a court order requiring the families to leave. The workers reportedly intended to leave the area right away, but the police officers allegedly barred them from doing so and forced them to sit in the sun for five hours. They are also said to have verbally abused the workers, to have threatened to beat them and to rape the women. Four police officers reportedly took Valdecir Bordignon away and handcuffed, kicked and punched him. He was allegedly beaten with clubs and his head submerged in the cattle's drinking pool. Officers are said to have interrogated him about the leadership of the landless movement (*movimento dos sem terra*, MST). He allegedly answered that he did not know. He was then reportedly dunked eight times, finally losing consciousness. He was allegedly pushed onto the ground and then woken up. Officers reportedly stepped on his neck, and threatened to "impale" him with a stalk of sugar cane. He was then allegedly forced to kneel and, with a knife and a gun held to his neck, forced to eat half a kilo of cattle manure. According to the information received, after two and a half hours of torture, he was reportedly forced to sign the court order. According to the information received, he was taken with other farm workers to the Ortigueira police station where they allegedly reported the incident to a judge. The latter reportedly registered the case as an arrest in flagrante delicto and ordered them detained. They allegedly underwent an official medical examination on the same day. It is reported that the medical report registered lesions consistent with the allegations. They were reportedly taken back to the police station, where they reportedly remained for four days. They were later transferred to the Ponta Grossa jail, where they allegedly remained for about 38 days. Military police officers are said to have constantly threatened to rape their wives and to kill them when the prison guards

were absent. On 3 May, Valdecir Bordignon allegedly underwent another official medical examination which was reportedly signed by a doctor who had not seen him. An inquiry has allegedly been opened. Lorival Lesse was allegedly handcuffed by four police officers and submerged in the cattle pool about 10 times, and forced to drink some of the water. He was said to have been held by his feet by one police officer while another one choked him with a rope. He was reportedly told to undress. It is said that the police officers threatened to impale him with a stalk of sugar cane. The police officers reportedly beat him for about an hour. It is reported that they threatened him and pointed a gun at his neck and ear. According to the information received, he said he did not know the information requested and was threatened with a knife at his neck. Aristide dos Santos Lisboa was allegedly taken behind a farm building and interrogated. He was reportedly verbally abused, pushed onto the floor, and threatened with death with a weapon pointing at him. An officer reportedly hung him by his feet while another put a rope around his neck and attempted to hang him. He was reportedly tortured for an hour.

188. **Geraldo José dos Santos**, an illiterate agricultural worker, was allegedly a member of a group that occupied a farm in Santa Cruz de Monte Castelo. On 7 May 1999, at 1.30 a.m., several military police officers and officers from the civil police Special Operations Group, some of them wearing masks, allegedly arrived at the farm and started to shoot and to throw explosives at the camp, destroying the huts which the farm workers had erected. Geraldo José dos Santos was reportedly kicked in the ribs and fell on the floor. Twenty-four workers from the MST were reportedly forced to lie on the ground where they reportedly remained for several hours. The officers allegedly made their dogs lick the workers' mouths. Some of the workers reportedly were injured by the explosives. The officers allegedly took money from a number of workers. According to the information received, the above-named person was taken to hospital. As a result of the incident, he reportedly urinated blood for several days. An inquiry has allegedly been opened.

State of Pernambuco

189. **Saul Limeira Barbosa** was reportedly arrested by eight police officers on 23 March 1999 in Recife, taken to the Jardim São Paulo police station and kept naked in a cell. He is said to have been beaten with a piece of rubber by two police officers in order to make him disclose his sister's location. He was reportedly released on the following day. He is said to have undergone an official medical examination which reportedly registered lesions on his body.

190. **Sebastião Freire dos Santos Filho**, a taxi driver, was reportedly beaten up by three civil policemen from the theft and robbery police station of Recife in front of his house on 11 January 2000. He is said not to have received any medical treatment. The case has reportedly been passed on to the appropriate authorities.

191. **Sergio Eduardo Pereira Camargo**, aged 28, was reportedly arrested by three military police officers in a bar in Recife in August 1998 on suspicion of armed robbery. According to the information received, his father was immediately informed of his arrest. He was taken to the Bon Viagem police station and the following day to the theft and robbery police station without his family being informed. On 17 August, he was reportedly taken to the Piedad police station where he was stripped naked and left in a cell into which water had been poured. He was

reportedly interrogated at night. During interrogation, he was allegedly made to lie on the ground, his hands tied with rubber. His face was allegedly covered with a plastic bag and he was sexually abused with a dildo. It is believed that wires were connected to the dildo and that he was electro-shocked. He was allegedly suffocated with a plastic bag and beaten, in particular on the eyes. As a result, it is believed that the vision in his left eye has been seriously damaged. His father was reportedly not allowed to see him privately. On 20 August, his father is said to have been told by a police officer that his son had confessed to the crime. It is believed that he was not allowed to be assisted by a lawyer when he first appeared in court. A few days later, it is reported that he was transferred to Anibal Bruno prison. On 23 September 1999, he was reportedly sentenced to 29 years' imprisonment. His torture allegations are said to have been ignored by the judge. He is said to have filed an appeal on the ground that his confession on the basis which he was found guilty of armed robbery had been extracted under torture. According to the information received, he never received any medical attention. No complaint has been filed with the *corregedoria* as his family believed that this would be to no avail.

192. **Giovane da Silva** was reportedly arrested on 16 August 2000 after having escaped from a semi-confined place of detention in Recife. He is believed to have been taken to a police station where he was given a *nota de culpa* to sign confessing to armed robbery. He was reportedly transferred on 29 August 2000 to Anibal Bruno prison. It is also believed that he was beaten during his transfer from the police station to the prison and was threatened with being put in a cell with members of a criminal gang who would kill him. Upon arrival, he was put in such a cell, but he fainted and was taken to hospital where he was diagnosed with having suffered a stroke. The military police officers who accompanied him are alleged to have told the nurses to let him die. He was then taken back to the prison where he was beaten by the Head of Security and five prison and military police officers.

193. **Severino Paulino de Sena Torres** was reportedly arrested on 4 September 2000 on suspicion of counterfeiting by two military police officers who allegedly beat him at the time of arrest. He was reportedly punched and slapped for more than 10 minutes. According to the information received, he was taken directly to Anibal Bruno prison.

194. **Sergio Vasco da Silva** was reportedly beaten when he was transferred to Anibal Bruno prison at the beginning of September 2000 because he had complained about having his sunglasses confiscated by a police officer.

195. **Marco Antonio de Oliveira** was reportedly beaten upon admission to Anibal Bruno prison in Recife on 4 September 2000.

196. **Samek Sebastião da Silva** was reportedly arrested by two officers and brought to the district police office of Prazeres. He was said to have been asphyxiated and kicked by the police officers on 1 and 2 September. One officer reportedly played Russian roulette with him, holding a gun against his head and threatening to kill him and dump his body in a sanitary landfill. He was allegedly admitted to Anibal Bruno prison in Recife on 2 September 2000 and beaten at the admission office.

197. **Edson**, aged 18, **Luís**, aged 28, and **Antônio**, aged 18, were reportedly arrested by the military police without a judicial order in the Aracapá camp of landless rural workers in Cabrobó on 5 May 1999. They were allegedly subsequently taken to the military police station in Cabrobó, where they were reportedly subjected to various forms of torture. According to the information received, they were later transferred to a civil police station. They were reportedly charged with resisting arrest.

198. **M. F. de A.**, a 15-year-old student, was reportedly tortured on 8 February 1997 when he returned to his home in Vila Nova, Joana Bezerra, Recife. According to the information received, he had climbed a mango tree but ran away when a shop guard fired shots nearby. A number of military policemen on routine patrol are said to have heard the shots and to have suspected the running teenager of having committed a crime. The military policemen reportedly found no weapons on him. They reportedly slapped, kicked and punched him. Furthermore, they are said to have forced him to enter a tank full of caustic soda that allegedly burnt his body, particularly his genitals. He was reportedly taken to the police station specializing in children and teenagers (DCPA) where he reportedly received medical treatment. He is said to have required plastic surgery. Policemen were reportedly condemned to four years of imprisonment for the torture.

199. **Marli Barbosa** and **Rosana Lage Lígero**, a same-sex couple, were allegedly arrested on 19 June 1996 in Jabotão dos Guararapes on suspicion of murder and were reportedly beaten with pieces of rubber at the 14th district police station in Piedade. According to the information received, they were also verbally abused for their sexual orientation and forced to perform oral sex. They were reportedly denied access to their lawyer. The police chief is said to have asked them for money, which they allegedly refused to pay. They reportedly remained at the police station for three days and then allegedly transferred secretly to the narcotics police station where they remained for five days. They were then allegedly returned to the Piedade police station and on the following day to a local prison, without having been sentenced. According to the information received, one month later they were taken back to the Piedade police station, where they were allegedly tortured again. They are said to have remained imprisoned for 11 months. It is believed that they suffered from discrimination due to their sexual orientation. It is alleged that the policemen involved received no punishment or reprimand. According to the information received, the case is being reviewed in the Supreme Court.

200. **Maria do Carmo Souza** was allegedly arrested by civil police officers on 19 January 2000 in Pesqueira. According to the information received, she was taken to the local police station and told to undress. She was allegedly kicked in the buttocks and punched in the stomach. It is reported that she suffered a haemorrhage. According to the information received, she remained naked inside the cell without being given any food and with no mattress for four days. On the fourth day she was taken out of the cell and kept, naked in front of the police officers and her lawyer, to sign documents. She was reportedly verbally abused and threatened with death. She was reportedly transferred on 23 January to a women's prison in Recife.

201. **W. C. de M.**, a minor, was allegedly imprisoned in May 1998 at the Paratibe unit in Abreu e Lima. His mother reportedly called the unit on 14 June 1998 and was told that her son was slightly ill but "doing fine". Later on the same day his dead body was taken to her house.

She was told that he had died of an epileptic fit but his family reportedly found marks on his body which suggested that he had been strangled. He reportedly had marks on his neck, and wounds on his head and face. His legs were allegedly broken and his fingers injured.

202. **Marinaldo José da Silva** and **Walter Caetano Coelho**, detained at public prison in Barreiros, were reportedly handcuffed to the cell bars and beaten by six military police officers on 21 June 2000 as punishment for a supposed attempted escape by other prisoners and to "set an example". They are said to have had salt rubbed on their bodies and were reportedly threatened with death. Thirty other prisoners were allegedly beaten as well. The public prosecutor reportedly visited the prison on 3 July and heard witnesses about the incident. The prisoners reportedly underwent an official medical examination. A judicial inquiry has allegedly been opened.

203. **Luiz Pontes Ferreira Bastos Neto, Djalma Nazário César, Hitálio Bold da Silva** and **Flávio Gonçalves da Rocha** were allegedly arrested on 25 May 1999 and taken to the theft and robbery police station in Recife on suspicion of theft. They were reportedly beaten, slapped and nearly suffocated with plastic bags by police officers. Luiz Pontes Ferreira Bastos Neto allegedly underwent an official medical examination which registered lesions on his body.

204. **Alexandre José da Silva** and **Leonardo Luiz de Moura**, detained at Aníbal Bruno prison in Recife, were allegedly beaten by military police officers in their cells on 11 July 2000. They reportedly underwent an official medical examination on the same day. According to the information received, they were beaten again by prison guards when they came back to the prison. The incident is believed to have been reported to the prison's board of directors.

205. **Marcos Francisco da Silva** was reportedly attacked by another detainee in Anibal Bruno prison around 24 August 2000. He was subsequently said to have been requested to appear in the security section of the prison, where he was beaten on his back, upper arms and shoulders by four guards with thick wooden sticks. As a result, his back, upper arms and shoulders were said to have been covered in bruises.

206. **Jorge Luis da Silva** had reportedly been brought to Anibal Bruno prison at 7.00 a.m. on 4 September 2000. There he and another person, both accused of rape, were said to have been taken to a small room where they were beaten and stepped on by three prison officers for several minutes. At 7.00 p.m. the same day, three military police officers are said to have entered the triage room where he had been taken and to have told all the detainees to sit with their faces to the wall. They then reportedly singled out Jorge Luis da Silva, it is believed because he was accused of rape, and kicked and beat him in the stomach, chest, face and head for several minutes. Afterwards, they are said to have showered him with water in order for the beatings not to leave any marks. The other detainee accused of rape was reportedly threatened with "being next". Several days later, he is said to have seen a psychiatrist who allegedly taunted him in connection with the rape charge.

207. **Severino Ramos de Oliveira Filho** was reportedly arrested by civil police in his home in Brazeos on 4 September 2000 on suspicion of murder. During the transfer from his house to the vehicle theft police station, he was said to have been beaten and slapped on his face, chest and hands by three officers. His mother and a lawyer are said to have gone to the police station but

the lawyer was reportedly denied access and Severino Ramos de Oliveira Filho was allegedly told that he would only be entitled to a lawyer once he had been transferred to a prison. Two days later, one of the arresting police officers reportedly burned his right arm with a cigarette, and another officer is said to have hit him on his left knee with a wooden stick. For four days, police officers reportedly entered his cell at regular intervals (in the morning, around 3.00 p.m. and at 10.00 p.m.) and slapped him on the face, asking him why he had committed the murder. They told him that he had already been sentenced, despite the fact that he has reportedly not had a trial.

208. **Humberto Ferreira Mendes Fiflho** was reportedly arrested on 31 August 2000. He was allegedly beaten with a wooden stick, kicked by six military police officers, inter alia in the mouth, and had his legs stepped on for over five hours. Subsequently, he was allegedly transferred to the theft and robbery police station in Recife. There civil police officers are said to have asked him for a bribe of 5,000 reais to release him. When he responded that he did not have the money, they reportedly threatened to suffocate him by placing a plastic bag over his head. He subsequently signed a confession to armed robbery. After four hours, he was reportedly transferred to Anibal Bruno prison, still covered in blood. He was said not to have received any medical attention at the prison. At the time of the interview (7 September), marks consistent with his allegations, including scars on his mouth and lower legs, were still visible.

209. **Jose Marcos Pereira Ramos** was reportedly arrested around midnight at his home in Caruaru on 29 May 2000. A masked military police officer is said to have broken into his home with the intention of killing his brother-in-law, who had allegedly threatened to kill the officer. The officer is said to have mistaken Jose Marcos Pereira Ramos for his brother-in-law and shot at him. Jose Marcos Pereira Ramos reportedly shot back and wounded the officer in the arm, which had to be amputated. He is then said to have tried to escape by jumping over a wall. A further 30 military police officers, all masked and including a lieutenant, reportedly broke into the house, beat his wife, his mother, his mother-in-law and two children, aged 7 and 4. The officers are said to have shot Jose Marcos Pereira Ramos in the right foot and to have hit him with a wooden stick on his left leg. They then reportedly forced him to drink half a litre of sewage. He was then reportedly transferred to the 4th military police headquarters. There he is said to have been beaten for several hours by more than 30 military police officers, who reportedly took turns. They reportedly hit him in the stomach and on his elbows with a wooden stick. They are said to have kicked his testicles until one burst. Jose Marcos Pereira Ramos allegedly fainted three times and each time they are said to have thrown water on him to wake him up. He also is said to have vomited blood. He subsequently accepted responsibility for shooting the policeman and asked for his two brothers-in-law to be released from detention, which was done. At 7.00 a.m., he was reportedly transferred to the 1st district police station in Caruaru. There he was said to have been threatened with death. A policeman reportedly put a gun in his mouth and threatened to pull the trigger. He was said to have been kept there for two days, during which time he is said to have been subjected to threats. He was reportedly forced to sign a confession for another homicide. He was said to have been transferred to Caruaru penitentiary where he was kept for three months. After having a fight with another detainee, he was reportedly transferred to Anibal Bruno prison. A police officer from Caruaru penitentiary is said to have told a relative of Jose Marcos Pereira Ramos that there was a chance that he would be killed at Anibal Bruno prison. A military police officer working at Anibal Bruno prison, who

is said to be a friend of the military police officer who had lost his arm and who is said to have visited Caruaru penitentiary at the beginning of August 2000, reportedly told another prisoner that Jose Marcos Pereira Ramos deserved to have his mother killed and that in case of a revolt or an escape, he would be the first to die.

210. **Daniel de Brito Montenegro,** detained at the infirmary of the Aníbal Bruno penitentiary, had reportedly been suffering from HIV for more than 10 years. He had previously been detained in Vitória de Santo Aniáo prison, and was said to have been transferred to Anibal Bruno in August 1999 for medical treatment on the order of a judge. Anibal Bruno prison is said to receive the "cocktail" AIDS drug treatment from the State of Pernambuco. In June 2000, Daniel de Brito Montenegro had reportedly developed lesions on the left side of his face. He is said to be suffering from back pain and muscle aches, and to urinate blood. He is also said to have lost weight. At the time of the Special Rapporteur's visit (9 September), he had still not been taken to hospital for an examination to determine whether he should receive medication for AIDS. The only medication he is said to be receiving is for headache and inflammation. The reasons reportedly given were that the prison did not have enough staff or a vehicle available. Some days after the Special Rapporteur's visit, the prisoner was reportedly sent to Correia Picanço Hospital but did not receive the required examination as there was no doctor available. The Special Rapporteur notes that he sent an urgent appeal on this case on 7 December 2000 (see E/CN.4/2000/66, para. 189).

211. **João Paulo Lima da Silva** was reportedly arrested and taken to Orobó *delegacia* by the federal police in May 2000 after a woman accused him of rape. According to the information received, the following day he was beaten with nightsticks on his back and thorax for 10 minutes by federal police who subsequently transferred him to João Alfredo jail. They allegedly told him that they would not stop beating him until he confessed. He is believed not to have received legal assistance and to have signed a paper which he was not allowed to read before. He reportedly started vomiting blood. He allegedly asked the military policemen to take him to the hospital but the police reportedly replied that he had no right to go to the hospital and beat him again, including with a *palmatório*. He is said to have spent three months in João Alfredo. He was allegedly transferred to Anibal Bruno on 4 September without his family being informed. According to the information received, when he arrived two prison guards at the entrance took his clothes off and hit him with the palms of their hands on his back and thorax for several minutes.

212. **Arlindo Francisco da Barro Neto** was reportedly arrested on suspicion of murder by nine police officers who took him from his aunt's house at 7.00 p.m. to "Lixão do Muribeca" where he was allegedly handcuffed and beaten with iron bars in the presence of his nine-year-old nephew. The police officers reportedly threatened to break the nephew's fingers if he didn't "tell the truth". He was reportedly beaten with a tyre, mud was put into his mouth and he was forced to eat grass. Plastic bags were allegedly put over his head and he was reportedly put in the trunk of a car. The police officers let the nephew go at about 9.30 p.m. He was reportedly taken to his home in Mostardinha where, according to the information received, he was blindfolded and his pregnant wife was sexually assaulted and beaten by the police officers who were allegedly searching for a weapon. The police officers allegedly remained at the house until 3.00 a.m. Arlindo Francisco da Barro Neto was then reportedly taken to the Ceasa *delegacia*. On their way

the police officers allegedly stopped the car and beat him with a metal bar. According to the information received, at the *delegacia* he was put in a cell and handcuffed, his legs tied stretched out in opposite directions. He was left in that position for two days. He was reportedly not given any food or water and not allowed to go to the bathroom. He was allegedly then taken to the Mostardinha police station where he saw his wife and two-year-old son and where he is reported to have remained for one day before being transferred to the homicide police station, to the IML and to Anibal Bruno prison. He allegedly told the doctor everything that had happened and the doctor is said to have taken note. According to the information received, he did not sign a confession. When he arrived at Anibal Bruno, he was allegedly told by two guards to take his clothes off and to crouch down. When he got up he was reportedly punched in the stomach and back and kicked in the genitals for about one hour. According to the information received, he was visibly scared and traumatized, his legs were swollen, allegedly as a result of the beatings with iron bars, he had 5-cm-long deep scratch on his elbow, he had marks, bruises and scratches around his wrists reportedly caused by the handcuffs, bruises on his feet, on his back and on his neck. He was reportedly not given medication or examined by a doctor.

213. **Luiz Missandro Silva de Lima**, detained in Aníbal Bruno Prison, was reportedly put naked in the isolation cell where he was allegedly beaten by about 10 policemen and prison guards on 7 September 2000 while the Special Rapporteur was visiting other wings of the prison. According to the information received, he was kicked and beaten with a piece of wood on his back, chest and abdomen.

214. **Marcos Antônio Dias de Andrade**, detained in Aníbal Bruno, was reportedly kicked and beaten with a piece of wood by some six policemen on 7 September 2000 while the Special Rapporteur was visiting other wings. As a result of the beating, he reportedly sustained wounds to his left eye, mouth and neck. According to the information received, he has not received any medical care.

215. **Zinho Luis do Nascimento**, detained in Aníbal Bruno, was reportedly sent to the infirmary after the Special Rapporteur's visit on 7 September 2000 but did not receive any medical care for a bullet which was lodged in his leg. According to the information received, the bullet was not removed and he was put in a punishment cell on 8 September 2000 for 30 days. He was reportedly beaten on the back and face by the former security chief who allegedly told him that he had talked too much.

216. **Laurimar Vieira de Souza**, held in the punishment cell of Aníbal Bruno Prison, was reportedly slapped on the face and back, kicked and beaten by military policemen on 7 September 2000 while the Special Rapporteur was visiting other wings. It is believed all the other detainees in the punishment cell were similarly treated.

217. **Sérgio Vasco da Silva**, detained in Aníbal Bruno Prison, was reportedly severely beaten on 7 September 2000 while the Special Rapporteur was visiting other wings. He was allegedly subsequently transferred to Block 1.

218. **Jefferson Felix dos Santos Corréia** was reportedly arrested on 3 September 2000 by military police in a small town. He was allegedly handcuffed and kicked in the back by a police officer. According to the information received, he was forced to sit down and four police

officers kicked him in his stomach and ribs, slapped him and hit his head for about 30 minutes. He was taken to Baradoro where he was reportedly kicked and hit by 10 civil police officers and a military police officer for about 30 minutes. As a result of the ill-treatment, he allegedly confessed to an offence. The torture reportedly stopped when his father arrived. According to the information received, although he had marks on his neck and on his back, a bruise under the left eye and a large mark on his spine, he was not taken to the IML.

State of Piauí

219. **Maria Almira Ferreira da Silva**, a pregnant dressmaker, was allegedly visited in Piauí by military police officers, a court official and the owner of her rented house on 17 April 2000 with an eviction notice. The owner of the house reportedly beat her, pushed her against the wall and slapped her. The military police officers and the court official allegedly removed the furniture while she was being beaten in front of them and her young sons. She was reportedly taken to a hospital suffering from severe bruising and she is said to have died three days later. The official medical examination allegedly registered that the haemorrhage was caused by the blows that she had received. The Office of the Public Prosecutor is said to be investigating the case. The Special Rapporteur would be grateful to receive information about the outcome of the investigation.

State of Rio de Janeiro

220. **Alexandre Madado Pascoal** was reportedly the detainee who suffered the most serious injuries as a result of the beatings which were said to have taken place at Moniz Sodré provisional detention facility on 28 August 2000 (see above). It is believed that he had been beaten more seriously than other inmates because he had loudly complained about a picture of his daughter and some money (20 reais) which had gone missing after the cell search. Apart from the beatings, which allegedly made him faint four times, the head of security is believed to have put his finger in his anus and to have bit his buttocks. On 30 August 2000, after his appearance before a magistrate who is said to have refused to hear him and to have ordered his immediate transfer to an emergency room, he is said to have been taken to hospital where a doctor had reportedly ordered his hospitalization, which was said to have been refused by the guards escorting him. He allegedly received no medical treatment, not even painkillers. He was then taken to the IML where his injuries were said to have been recorded. But he did not complain about the beatings for fear of reprisals since a guard from Muniz Sodré was constantly present. At the time of the interview (31 August) two large haematomas were present on the lower part of his back; a large bump was visible at the back of his head; he could not move his right leg and left arm; his lips were cut; bruises were present all over his body, in particular on his forehead; and some of the fingers of his left hand seemed to be broken. He was said to be vomiting blood. He could not understand why he had not been taken back to Muniz Sodré and was worried about the fact that his current place of detention was very far from his family home, which would make visits almost impossible. With the diligent help of the officer-in-charge of Vieira Ferreira Neto, Alexandre Madado Pascoal was then taken on a stretcher to a medical unit next door, where a doctor examined him and, shocked, ordered his transfer to a hospital. Informed of the situation by the Secretary of State for Justice, the Assistant-Secretary for Human Rights and the Head of Security for the Penitentiary System joined the Special Rapporteur at 2.00 a.m. and recorded the testimonies of Alexandre Madado Pascoal. They

assured him that he would receive the proper medical treatment and protected against reprisals. The Special Rapporteur was also informed that the Secretary for Justice had already taken the decision to remove the director of Muniz Sodré and his head of security from their offices, pending investigations. The Special Rapporteur specifically asked the authorities to take the necessary measures, including the opening of a criminal investigation into allegations of torture.

221. **Jailson Thaumaturgo da Rocha Junior, Alexandre Arantes, Flavio Ailton da Silva, Paulo Sergio Souza de Oliveira** and **Roberto da Costa Santiago** were amongst the detainees who were allegedly beaten at Muniz Sodré provisional detention facility on 28 August 2000 (see above). They were eventually taken back to Muniz Sodré on 30 August and individually interviewed by the Special Rapporteur, during which they confirmed the allegations made by their co-inmates. They indicated that they had been taken to the IML of Mendensa e Invalido, where they had received medical treatment and where forensic experts were said to have stated that the guards would be in trouble because of what they had seen. The prisoners were reportedly left alone by the military police officers accompanying them when they were examined by a doctor and his assistant. It is believed that a full record of their injuries has been made and that the detainees have explained what had happened. They all bore visible marks consistent with their allegations and were afraid of being subjected to reprisals after the Special Rapporteur's departure. Jailson Thaumaturgo da Rocha Junior had large bruises on his left shoulder and on the right side of his stomach, four stitches on the back of his head and haematomas on the forehead; Flavio Ailton da Silva had four internal and four external stitches on the right cheek and haematomas on the left elbow and a large bruise on the right-hand ribs; Alexandre Arantes had seven stitches on the head and haematomas on the forehead and left part of the body; Paulo Sergio Souza de Oliveira had haematomas on the back of the left shoulder and on the left side of the back, contusions and a scratch on the right shoulder, a serious contusion on the middle of his spine, a swelling on his right arm, as well as an infected wound below the umbilicus; and Roberto da Costa Santiago had a haematoma on the genitals and a swelling and large bruise on the right hand which was believed to be broken.

222. **Pedro Cándido** was reportedly arrested 30 August 2000 on suspicion of bank robbery by two military police officers of the 20th Battalion. He was said to have been taken to military police headquarters where a towel was tied tightly around his neck and he was beaten. He allegedly fainted twice. He was then reportedly taken to the 54th district police station of Rio de Janeiro where he was forced to sign a *nota de culpa*, but, he believed that he would be able to retract his confession before the judge.

223. **Marcelo de Freitas Pacheco** was reportedly arrested on the street in Nove Iguaçu city on 12 August 2000 by military police officers from the 20th Battalion. At the time of arrest, he was allegedly beaten on the chest with the butt of a gun and kicked. According to the information received, he was then driven in a car for the entire night. He was allegedly threatened and was asked to pay 2,000 reais. He was eventually taken to the 52nd district police station of Rio de Janeiro where, handcuffed, he was allegedly beaten with iron bars and kicked. He was then reportedly taken to the 64th district police station. He was never taken to the IML and did not have access to a lawyer.

224. **Fabio de Almeida Ramos** was reportedly arrested on 5 October 1999 by military police officers. He was allegedly taken to the 64th district police station of Rio de Janeiro where he was beaten by civil officers with iron bars. He was reportedly subjected to the "parrot's perch" on an iron bar with a towel tied around his neck and beaten with wire on various parts of the body. He was reportedly forced to sign a confession. He is said to have been taken to court where he complained to the judge about his treatment. The judge is reported to have ordered he be taken for a forensic medical examination. On 11 September 1999, he was believed to have been taken to the Central Hospital where he received medical treatment. He is said to have a private lawyer assisting him.

225. **Valério Vinicius Lopes dos Santos** was reportedly arrested by military police officers from the 21st Battalion on 30 April 1997 on suspicion of armed robbery. He was first detained in a police lock-up in Nove Igauçu. On 23 March 2000, he was reportedly taken to the 64th district police station of Rio de Janeiro where he was allegedly beaten in front of the *delegada* in order to make him sign a confession. Then he was allegedly taken to the *seguros* cell where he is believed to have spent six days. During this period, it is reported that he was presented to the media as a criminal involved in armed robberies. At the time of the interview (31 August), he still had three open wounds on his right foot, for which he was not receiving any medical treatment.

226. **Mauro Teixeira da Silva** was reportedly arrested on 21 January 2000 by military police officers from the 20th Battalion on suspicion of drug trafficking and the murder of a police officer. Handcuffed, he was said to have been taken to a remote area where a plastic bag was put over his head and a shot fired next to his head. On the same day, he was reportedly taken to the 54th district police station of Rio de Janeiro where he was allegedly electro-shocked on the genitals and beaten on the head and legs with iron bars. It is believed that he was subjected to the "parrot's perch" for one and a half hours. It is reported that he was tortured for two days before he signed a confession.

227. **Marcos Claudio de Azevedo** was reportedly arrested on 7 August 2000 by military police officers acting as private security guards, on suspicion of armed robbery. It is believed that he was tortured for five hours following his arrest. According to the information received, he was severely beaten with iron bars in a public place. The guards were reported to have shouted that he was a criminal and therefore deserved such treatment. He was then reportedly taken to the 54th district police station of Rio de Janeiro where he was slapped by an assistant *delegado*. He is believed to have signed a confession after having been beaten again on the ribs and face. Handcuffed, he is reported to have been suspended from a hook on the ceiling of the office of the head of the lock-up. The police officers are said to have then realized that they had mistaken him for someone else. He was reportedly taken to an emergency room where he received medical treatment. He was then taken to the 64th district police station. He was believed not to have been presented before a magistrate.

228. **Ezequiel Cándido Francisco** was reportedly arrested in flagrante delicto at the beginning of August 2000 and taken to the 64th district police station of Rio de Janeiro where he was allegedly beaten by other inmates, the so-called trustees, under the supervision of the police officers, in order to extract a confession to intentional killing. He is said to have fainted

and to have been taken to a hospital where he received medical treatment. At the time of the interview (31 August), he was detained in the *seguros* cell and still had two large open wounds on his back and scars on his legs consistent with his allegations.

229. **A minor** detained at Padre Severino juvenile detention centre was reportedly severely beaten on 27 August 2000 for having laughed out loud. According to the information received, the director and the subdirector of the centre reportedly made an inspection, put everybody out of the cell and asked who was being so noisy. The minor raised his hand. He was reportedly given a cold shower, slapped, beaten with a wooden stick on his chest and face for 10-15 minutes and forced to stand up facing the wall for some time. It is thought that he was later sent back to the cell.

230. **J.G.**, a minor, was allegedly transferred to Padre Severino in the summer of 2000. During a revolt, he was reportedly caught and put in cell 4 with 27 other minors. It is reported that all the detainees were taken out of the cell except him, that he was told he was considered responsible for the revolt and that he would be taken to the *delegacia*. He was then allegedly beaten for about 30 minutes, subjected to "telephone" torture, and later taken to another room where he was reportedly beaten for another 20 minutes. According to the information received, on the way to the *delegacia* he was reportedly threatened and at the police station, the officers declared that he had tried to hit them. He reportedly signed a confession without seeing or reading what he was signing. He was allegedly not allowed to see a judge. After a week, he was reportedly taken to the hospital. Despite the fact that he had bruises, the doctor reportedly did not ask how he had sustained the injury. The guards were reportedly always with him during the examination. According to the information received, he had been threatened with death if he were to say anything to a judge.

231. **A.D.R.** was reportedly arrested for robbery and transferred to Padre Severino in late August 2000. The following day, three guards reportedly slapped, punched and beat him with a wooden stick for 15 minutes, as a result of which he allegedly lost a tooth. Afterwards, he was reportedly left alone in a cell for a day.

232. **J.P.O.**, aged 15, and six other boys detained at Padre Severino had reportedly been hit and slapped in front of the other detainees by the director of discipline on 24 August 2000. He is said to have been hit to such an extent that his nose began to bleed. The director is said to have accused him of planning a revolt, as he had been standing and talking in a small group of inmates. The seven juvenile detainees were subsequently reportedly put in a punishment cell for four days. Four weeks earlier, J. P.O. is said to have been slapped and punched on the nose. He reportedly asked to register a complaint at a police station on the same day, as he had marks on his face. The *delegado* at the police station is said to have asked him to get a medical certificate at the IML, however, he was only reportedly taken to be examined when all the marks had healed.

233. **Jefferson Gomes de Lima** had reportedly been accused of hitting a guard in Padre Severino juvenile detention centre with a light bulb on 8 August 2000 during the daytime, which he denied. Three warders are said to have beaten him for half an hour in the lock-up where he had been taken. They reportedly hit him in the chest, despite the fact that he is said to have breathing problems, and to have beaten him in the face. Blood reportedly came out of his

left ear. The warders allegedly threatened that if he told the technical assistant, they would beat him again. Nonetheless, he spoke to the technical assistant who reportedly took him to the doctor based at the institution. The doctor and a guard took him to hospital. There he was diagnosed with a punctured eardrum. He was told to keep his ear dry and to take medication for a week. He was reportedly only given medication for two days and not provided with cotton to keep his ear dry. His face is also said to have been swollen. A week later, the wardens reportedly accused him of having tried to kill another adolescent. It is believed that the accusation is related to the fact that he had spoken to the technical assistant about the beating. The warders on duty are said to have come into his cell every morning for about a week and to punch him in the chest and face. He reportedly went to the nurses station. As a result of the beatings, he is still said to be suffering from earache.

234. **Carlos Moreira Mendonçu Alves** had reportedly been transferred to Padre Severino at the end of July 2000. Several days after his arrival, he was said to have been handcuffed and taken to the swimming pool by the director of discipline, the deputy director and another warden. They reportedly beat him with wooden sticks and a wooden board, shattering a bone in his left arm. He was said to have been beaten for more than an hour. They reportedly threw him into the deep end of the pool. When he managed to get to the shallow end, they are said to have pulled him out of the pool and to have thrown him in again at the deep end. They reportedly repeated this three times. When they realized that his arm was swollen, they allegedly beat him in the face. They reportedly took him to the hospital, where they said that he had fallen off a wall.

235. **T.N.**, aged 16, was reportedly beaten for about an hour by the director of discipline of Padre Severino, and another employee of this institution on 23 August 2000. Some of the detainees had allegedly taken out the light bulbs of the cell to light cigarettes. The two men are said to have entered the cell, thrown T.N. on the floor and hit him on the left side of his face, back and chest, inter alia with a wooden board. He reportedly told them that the doctor had said that they should not step on his chest as he had a congenital deformation of the chest, but they allegedly continued to beat him on the chest.

236. **S.A.M.**, aged 16, and three other detainees in Padre Severino juvenile detention centre were reportedly talking during lunch-time in the dining room on 28 August 2000, when four guards are said to have taken them to the side of a corridor where no one could see them. They were allegedly beaten in turns for having spoken too loudly. S.A.M. was said to have been handcuffed and beaten on the face and punched in the chest. At the time of the interview (29 August), marks consistent with his allegation were still visible.

237. **J.L.M.M.**, aged 17, a detainee at Padre Severino detention centre, was reportedly given a torn coat on 7 August 2000, and then accused of tearing it. Other detainees were reportedly taken out of the room where he was. Two warders allegedly kicked him and punched him in the face and stomach. They are said to have threatened him that if he told the technical assistant, they would beat him more. At the time of the interview (29 August 2000), a large bruise on his head consistent with his allegation was still visible.

238. **Sorge Bonifácio de Paulo** was reportedly hit on the chest upon arrival at Padre Severino juvenile detention centre in mid-August 2000, after he was asked where he was coming from. He was allegedly already bruised, as he was said to have been beaten previously by the police.

239. **W.S.S.**, aged 16, also a detainee at the Padre Severino detention centre, was reportedly talking to another boy in mid-August 2000, when a guard told everyone to be quiet. The guard is said to have accused him of smirking, to have said that he would break the boy's tooth and then to have hit him in the face. A week later, the guard reportedly accused them of planning a rebellion, and beat W. de S.S. and a number of other boys with a wooden board. At the time of the interview (29 August 2000), injuries on his legs consistent with his allegation were still visible.

240. A **13-year-old boy** was reportedly tortured by the director of discipline of Padre Severino detention centre and a warder at the end of July 2000. They are alleged to have counted to three and then to have slapped him simultaneously on his ears ("telefono"). The warder is said to have punched the boy with a silver ring, leaving scars on his mouth and head. At the time of the interview (29 August 2000), marks consistent with his allegation were still visible.

241. A **15-year-old boy** was reportedly hit on the chest by a guard during breakfast on 29 August 2000 at Padre Severino juvenile detention centre.

242. **Rafael** was reportedly smoking a cigarette in his cell during the night of 8 August 2000. A warder and the director of discipline of Padre Severino juvenile detention centre are said to have pulled the boy out of the cell and to have taken him to the corridor where they allegedly subjected him to the "telefono". They then reportedly took him to the dining room where they began to shout at him. They allegedly turned on the gas and held his hand in the flame, which had been turned up high, for about five seconds. The following day, the boy was reportedly taken to the infirmary. At the time of the interview (29 August 2000), an extensive burn consistent with his allegation was still visible.

243. **Crisostomo de Andrade**, an Arab cook, and two other detainees were reportedly severely beaten by 20 persons from the SOE and other penitentiary agents from Saturday night, 26 August 2000, until Sunday morning at Moniz Sodré prison. He was allegedly beaten in connection with an escape attempt by other inmates. He was said to have been beaten by guards on all parts of his body, on the back with rifle butts and kicked in the face. He was said to have been taken to a doctor, who examined him and gave him an injection. The doctor reportedly asked him what had happened, whereupon he responded that he had fallen, due to the fact that the police officers were said to have been present during the medical examination. He had reportedly been placed in the punishment cell since 26 August 2000 in a cell without electric light and without being able to leave the cell. At the time of the interview (30 August 2000), marks consistent with his allegations, such as haematomas on his lower back and across both his shoulders and his legs, were still visible. Owing to their health condition, the other two detainees were said to have been kept in hospital.

244. **Sereno Mauro Fernando Oliveira Silva** had reportedly been placed in the punishment cell of Moniz Sodré prison and had been threatened by a guard with being beaten for possessing a small mirror on 27 August 2000. On that day, he and another 13 detainees were taken out of

the punishment cells. Five prison guards reportedly bearing weapons and a big wooden stick ordered the prisoners to line up facing them with their hands behind their backs. The detainees were then said to have been told to bend their heads to the right and subsequently to the left, whilst the guards allegedly hit their shoulders with wooden sticks. They were further reportedly hit on their hands with wooden sticks and subsequently on their backs with wires and iron cables. At the time of the interview (30 August 2000), marks consistent with Sereno Mauro Fernando Oliveira Silva's allegations were still visible, such as marks and bruises on his stomach, his left shoulder and haematomas on his back.

245. **Adilson Leal de Souza,** a reportedly HIV positive inmate in Moniz Sodré prison, had reportedly not received any medication and had reportedly not been allowed to be hospitalized despite his medical condition.

246. **Neil Barbosa Marques** was reportedly one of the persons beaten in the 28 August 2000 incident in Moniz Sodré prison (see above). Like others, he was allegedly severely beaten with iron bars and wooden sticks on his leg, and with an iron bar on his left arm and the left side of his body. At the time of the interview (30 August 2000), marks consistent with his allegations, such as marks on his left arm and side and haematomas on his shoulder, were still visible.

247. **Wagner Marco da Silva** was reportedly shot in the head and in the stomach by military police on 17 August 1997 in Botafogo when he was leaving work. He was said to have been wearing earphones, so he did not hear the military police calling him. They allegedly shot him and placed a weapon on him. He was reportedly kept in a hospital for three months and was said to have been handcuffed for the whole time. He reportedly did not receive appropriate treatment and is now said to be disabled. He was allegedly accused of drug trafficking and is said to have been detained in Bangu/Moniz Sodré for a year and a half pending trial. The trial is said to have been suspended for unknown reasons. There are alleged to be six witnesses to the incident. The officers reportedly responsible are said to be still on duty.

248. **Carlos Abel Dutra Garcia**, a naval officer, was reportedly arrested on 20 August 1996. According to the information received, a car approached his car while he was at a gas station very close to a *favela*. A man is said to have pointed a gun at him, to have showed him a badge identifying him as a federal police officer and to have shot in the air. He was reportedly asked to put his hands up and to show his documents and was allegedly kicked in the stomach. Military police officers reportedly arrived and a *delegado* told him and his friend, who was sitting in the back of the car, that they were under arrest. Their car was reportedly subsequently searched. Another three military police cars and a civilian car with four federal agents are said to have arrived. A lieutenant allegedly asked for an explanation, talked with the *delegado* of the federal police and reportedly told Carlos Abel Dutra Garcia to remain calm. The latter was reportedly forced to lean against a car with his arms in the air for about 30 minutes and was kicked to keep his legs apart. Another police car arrived with six federal police officers, who searched Carlos Abel Dutra Garcia and his car again. He was allegedly punched in the face, put in a police car and taken to the federal *delegacia* at about 11 p.m., together with his friend. Upon arrival, several police officers reportedly hit his head against the wall, punched him in the back and kicked him until he fell. They are then said to have grabbed his hair to make him get up and he was taken to a corridor, where he was reportedly punched, kicked and hit again for

about 30 minutes. As a result, his mouth and nose were said to have been bleeding. The *delegado* reportedly grabbed his arm, told him to stand up and punched him in the head and chest. An officer allegedly pointed a gun at him and said "let's finish him" but finally put the gun away and hit him again. As he fell down, several agents reportedly started to kick him for about 15 to 20 minutes. He was allegedly made to stand up, and punched in his eyes, before being placed in a cell at 2 a.m. for about an hour. He was then reportedly beaten again and showered with cold water. He was said to have been taken to see a lawyer waiting at the police station who allegedly told him that he was under arrest for disrespecting the authorities and for aggression. In 1997, he was reportedly cleared of these charges in court. When he left the police station, he reportedly saw a medical doctor, who allegedly certified that he had been severely beaten. The following day, he is said to have lodged a complaint against the police officers with the Office of the Public Prosecutor, which reportedly opened an investigation. The prosecutor of the Republic is said to have sent the case to a federal court. The police officers reportedly submitted a federal habeas corpus petition, arguing that the Ministry of the Public Prosecutor had exceeded its competence in investigating cases involving federal police officers. This is said to have stopped the proceedings in 1998. Since then, Carlos Abel Dutra Garcia has reportedly been subjected to death threats by police officers who reportedly called him in to the police station to give a statement, and he was allegedly being followed. As a result, he reportedly applied to the National Secretariat for Human Rights for support and protection against the federal police, which he was said not to have been granted. The general prosecutor reportedly submitted new indictments of the police officers for "administrative impropriety". These indictments were allegedly not accepted by the judge of first instance, who reportedly refused them as "inappropriate". In July 2000, Carlos Abel Dutra Garcia is said to have filed a civil action seeking damages. The proceedings are said to be pending before the Supreme Court in Brasilia. The Special Rapporteur would be grateful to receive information on the outcome of the judicial proceedings.

249. **Anderson Carlos Crispiniano**, a 20-year-old man, was reportedly arrested by three civil police officers at his home in a Rio de Janeiro shanty town (*Morro do Adeus)* on 28 June 2000. According to the information received, the police officers had no arrest warrant and his family was not informed about where he would be taken. It is reported that later on that night, his family looked for him at the nearest local police station, where they allegedly were told that there existed no information about his arrest. His family allegedly received a phone call later from the officers, who indicated they would be in touch but refused to report where Anderson Carlos Crispiniano was being held. According to the information received, his family received a second telephone call and spoke briefly to him but were not informed of his location. The family reportedly received a third phone call, in which the officers told them that if they did not give them 5,000 reais, a gold chain and his car keys, they would plant drugs on him and kill him. A woman identifying herself as an "attorney" instructed by the officers reportedly came to the shanty town later and picked up the gold chain and the car documents (his relatives had not had time to raise all the money demanded). About one hour later, the woman reportedly returned and picked up the money the family was able to raise. Twenty minutes later, she allegedly came back in a vehicle with Anderson Crispiniano sitting on the back seat. According to the information provided, he had been beaten on the head repeatedly and his toenails had been torn out during his detention. He was reportedly taken to a clinic and to a hospital. As a result of the torture, he was reportedly unable to speak. He was allegedly diagnosed as having suffered from a stroke and bore marks of severe beatings on many parts of his body. According to the

information received, after a local newspaper published an article about the incident, he and his family were threatened with death several times. The police officers reportedly searched for him in the hospital where he was a patient. Anderson Crispiniano reportedly died on 17 July 2000. His body was exhumed on 24 August 2000. His father is said not to have authorized the exhumation of the body. It is reported that the results of the autopsy have not been conveyed to the family and the body is believed not to have been buried. Finally, the Special Rapporteur notes with concern that he had sent an urgent appeal on Anderson Crispiniano's behalf on 7 July 2000 (see E/CN.4/2000/66, para. 187).

250. **Wladimyr Alexandria de Castro**, detained at the Dr. Serrano Neves Penitentiary - Bangu III in Rio de Janeiro, allegedly tried to escape from the prison hospital on 26 December 1999. According to the information received, although he was suffering from tuberculosis, he was reportedly sent back to Bangu-III instead of to a hospital to punish him for his escape attempt. He was allegedly threatened with death by the prison's military police chief. His request to be transferred to the prison hospital was allegedly denied. He is believed not to have received medical assistance despite his health condition.

251. **Istali Leão Marinho**, **Eloécio Leão Marinho**, **Jair Pena** and **Marciano Pena**, detained at Polinter in Macaé, Rio de Janeiro, were allegedly arrested on 25 August 2000 under the accusation of having attacked a military police box to steal weapons. They were reportedly almost suffocated, kicked and threatened with death by military police officers.

252. **Adriano Tokimitsu Oliveria Maia**, a 26-year-old man detained at the Roberto Medeiros (Bangu) mental asylum penitentiary unit in Rio de Janeiro reportedly suffered from a problem in his ear. In August 2000, he allegedly asked a prison guard for some medicine. According to the information received, he was then verbally abused, kicked, punched and hit with a piece of wood by four guards who had entered his cell. His leg and his arm were allegedly broken. According to the information received, he was taken to hospital four days later. The doctor who attended him reportedly denounced the beatings to the Secretary of Justice. He is said to have been transferred to the Henrique Roxo insane asylum penitentiary unit.

State of Rio Grande do Norte

253. **Heridelso Medeiros de Souza**, a municipal public servant, was reportedly handcuffed, punched and kicked by two military policemen in Natal on 17 August 2000. According to the information received, he had asked the military police to stop a fight among participants in an election rally. He was reportedly taken to a police station, where he was kept in a cell dressed only in his underwear. Before being released on the following morning, he was reportedly threatened and forced to ask for "forgiveness". His lawyer is said to have denounced the case to the authorities and to the *corregedoria* of the military police, but no action is believed to have been taken.

254. **Daniel Bezerra da Silva**, was reportedly beaten in the military police station in Parque 13 ed Maio, Bairro Dix-Sept-Rosado, Natal, on 7 July 2000. According to the information received, the sergeant in charge of the station beat him up with a piece of wood, causing injuries later confirmed by examinations at the Forensic Medical Institute. After the

beating, he was reportedly held in detention for almost 24 hours and released with no explanation. He is said to have reported the alleged violence to the 8th district civil police station and to the *corregedoria* of the military police. There are believed to be two witnesses. No action has reportedly been taken in the case.

255. **Francisca Alves de Souza** and **André Luiz Santos da Silva** were reportedly arrested by three police officers on 2 June 2000 in Natal on the accusation of having stolen and hidden money. They were allegedly taken to the theft and robbery police station where they are said to have been beaten in order to extract a confession. Francisca Alves de Souza was reportedly verbally abused by the officers who allegedly beat her. According to the information received, they put a plastic bag over her head and almost suffocated her. She was allegedly beaten on her abdomen but she reportedly kept denying the theft. She was reportedly released on the same day. Several days later the police allegedly entered her house and took her to the police station, where she gave a statement regarding the incident. She is said to have made a report to the public prosecutor, who reportedly sent it to the *corregedoria* of the police. According to the information received, there has been no police investigation.

256. **Ismail Ferreira de Oliveira** reportedly went to the 3rd district police station in Natal on 25 May 2000 to report a theft that had occurred in his father's house the previous day. His father allegedly reported the same crime at the theft and robbery police station. According to the information received, as he returned from the 3rd district police station on 26 May, the police officers from the theft and robbery police station stopped him and took him to their station. He was reportedly taken to an investigation room where he is said to have been ordered to remove his clothes and forced to confess to the burglary of his father's house. According to the information received, the officers placed a protective lining on his wrists (so as to prevent any marks) and handcuffed him. He was reportedly forced to sit on a chair and had his head covered with a plastic bag. It is said that he was almost suffocated at least four times. He was reportedly strangled by an officer and lost consciousness. He was allegedly threatened by a police officer, who said that they would take him to a lake and beat him up and no one would be able hear his screams. He was allegedly released that afternoon. Afterwards he reportedly gave a statement to the public prosecutor who apparently sent it to the *corregedoria* of the police. The officers accused of the torture have reportedly not been punished.

257. **Ubiraci Gomes da Silva**, a 27-year-old man detained at the João Chaves Penal Colony in Natal, was allegedly beaten by police officers on 20 March 2000. According to the information received, there was an attempted break-out in the prison and the police officers mistook him for one of the escaped prisoners. As a result of the beating, he reportedly sustained two wounds to his left leg which required six and four stitches respectively. He allegedly underwent an official medical examination. The *corregedoria* of the police has allegedly been informed about the incident.

258. **Emerácio Honório de Souza** was allegedly arrested by a military police officer in Natal on 3 June 1999 under the accusation of smoking marijuana. According to the information received, he was taken to a police vehicle and beaten by three military police officers. It is said he was subsequently taken to a police station. He allegedly underwent an official medical examination which reportedly registered soft tissue lesions consistent with the allegations.

The *corregedoria* of the military police is said to have opened an administrative inquiry about the incident. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

259. **José Oliveira Rocha da Silva**, detained at the José Chaves Penal Colony in Natal, was reportedly injured by military police officers on 12 July 1998. Military police officers allegedly told prisoners to get back into their cells and some of them allegedly resisted. Three police officers reportedly shot at them to intimidate them. José da Silva was allegedly hurt by a bullet in his neck. He was reportedly taken to the Santa Catarina Hospital. According to the information received, he underwent an official medical examination. A judicial inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

State of São Paulo

260. **Luciano Gomes Chacon**, detained at the 11th district police station at the time of the interview with the Special Rapporteur, had reportedly gone to the traffic authorities to renew his driver's licence around the end of April 2000. From there, he was reportedly brought to the 11th district police station, where he was allegedly forced to sign a statement that he was guilty of assault without a weapon. The police reportedly hit him with iron bars and wooden sticks on his back and legs, punched him and slapped him in the face. He was said not to have been allowed to read the paper he was signing. The victim of an assault was reportedly forced to say that Luciano Gomes Chacon had committed the assault. At the time of the interview, on 27 August 2000, marks compatible with his allegation, such as a scar on his back, were still visible.

261. **Valdemar Lopes Leitaó**, detained at the 11th district police station at the time of the interview with the Special Rapporteur on 27 August 2000, was reportedly arrested in March 1999 for having killed a man accused of rape who was allegedly waiting for Valdemar Lopes Leitaó's daughter. The police reportedly approached him in a vehicle at high speed and shot him in the upper leg. The police is said to have brought him to the *delegacia* for homicides (DHPP) Deaga in downtown São Paulo, to have handcuffed him with rubber, to have made him kneel down and to have severely beaten him. He was reportedly made to sign a statement taking responsibility for other murders. In court, he was reportedly considered a re-offender. Five days after the beating, a medical exam was allegedly carried out, during which he explained that he had been beaten. He was reportedly waiting for a second forensic examination to take place.

262. **Carlos Augusto Carvalho Oliveira,** detained at the 11th district police station at the time of the interview with the Special Rapporteur on 27 August 2000, was reportedly arrested on 25 October 1999 on his way to a dental appointment, on accusation of robbery/assault. He was said to have been taken to the 11th district police station, where he was reportedly beaten, kicked on his left leg until it swelled up and kicked in the chest until he nearly vomited blood. Four days later, he was allegedly taken to a medical examination, still bearing several marks of the beatings. He reportedly explained to the doctor everything that had happened, but did not know whether she noted everything down. He was allegedly sentenced to five years and four months in a half-open regime, and is said to be appealing the judgement.

263. **Ary Holando dos Santos Pereira,** detained at the 11th district police station at the time of the interview with the Special Rapporteur on 27 August 2000, was reportedly approached and arrested, together with two other men, by four police officers from Depatri at 7 p.m. on 1 August 1999 on his way from work. He was allegedly taken to Depatri and accused of having stolen meal vouchers, which he denied. The police officers reportedly punched him with their fists on his ears and face to make him sign a confession to the theft, which he allegedly signed. Fifteen days later, four police officers from Depatri allegedly beat him again for about four hours in order to make him sign another confession, which he reportedly did not sign. He is said to have been sentenced to 12 years in prison for a crime he denies having committed.

264. **David Barbosa da Silva,** detained at the 11th district police station at the time of the interview with the Special Rapporteur on 27 August 2000, used to live in the street and was reportedly suffering from bronchitis and pneumonia. He had reportedly gone to the mayor's office to obtain a registration card on 9 August 2000. In a restaurant on the way, a minor who he knew and who had reportedly stolen a watch, is said to have started talking to him. A police officer allegedly came up to them, let the minor go and arrested David Barbosa da Silva. He was reportedly brought to the 11th district police station, where he was placed in the investigation room. A police officer is said to have pointed a gun at his waist and stated that he would cripple him. Several police officers reportedly punched him four times on the back, hit him with a night stick rolled in rubber material and an iron bar, and slapped him twice. As a result of the torture, the right side of his back reportedly swelled up. He was said to have been made to sign a statement, which he was reportedly not allowed to read, that he had assaulted and misled a minor. The officers reportedly said to him that if he did not die from bronchitis and pneumonia, they would "take a decision about his fate". As a result of the beating, he reportedly vomited blood all night. He is said not to be represented by a lawyer. A female lawyer who had gone to see him on 9 August 2000, was reportedly denied access to him.

265. **Washington Pintos de Godoy,** detained at the 11th district police station at the time of the interview with the Special Rapporteur on 27 August 2000, reportedly contracted HIV in a penitentiary in 1998, for which he is said not to receive any treatment. In the previous three months, he is said to have been transferred from the 6th district police station, to the 35th, then to the 85th, from there to the 100th and finally to the 11th district police station. Previously, he had reportedly been transferred to an agricultural colony, from which he escaped. Fifteen days later, he reportedly arranged a medical examination. On 30 March 2000, he was reportedly forced to sign a statement that he had committed a crime contrary to article 157 in the Canbusi section of the 6th police district. The police allegedly found a witness who was willing to implicate him. He was said to have been asked to pay 30,000 reais to be released, which he did not pay. He was allegedly beaten all over his body with iron tubes, baseball clubs, wooden sticks and chains by four military police officers for one and a half hours. They reportedly stopped the beatings because his wife arrived. Washington Pintos de Godoy is said to be bringing a court case with regard to having contracted HIV in prison.

266. **Daniel Rocha de Souze** was reportedly arrested at the end of June 2000 and brought to the 11th district police station in São Paulo, where he was allegedly beaten for two and a half hours by police officers, inter alia with an iron bar on his right leg, and slapped and punched in the face. As a result of the treatment he was subjected to, he signed a confession. Around 1 August 2000, his brother **Elson Oliveira de Souze** reportedly came to visit him

and was allegedly searched in front of a witness by the police, who are said to have found nothing. He was then nevertheless reportedly denied permission to see his brother. When he asked the police why his brother was not allowed to receive a visit, the police are reported to have taken him to a room upstairs, hit him with iron bars and planted drugs on him. He was also said to have been hit on the back for one hour. As a result, he allegedly signed a confession and was detained in the same cell as his brother.

267. **Jairo Justino de Oliveira Junior** was reportedly arrested on suspicion of armed robbery in 1993 by two military police officers who took him to the 89th district police station in São Paulo, where he was allegedly forced to sign a confession after having been subjected to electric shocks on his genitals. He is believed to have paid 7,500 reais in order to be released seven days after his arrest. He was reportedly re-arrested on 9 April 2000 in Guraprianga, São Paulo city, and taken to the 100th district police station. Upon arrival at the police station, he was punched by two military police officers in the thorax and stomach. It is believed that he signed a confession under threat of being further beaten otherwise. He reportedly spent two months in this police station before being transferred to the 11th district police station of Santo Amaro. He was asked to go to the *delegado*'s office where he was asked to sign other confessions and threatened with being beaten again. He reportedly refused to sign any new confession.

268. **Anderson Roberto Neides Fereira** was reportedly arrested by military police officers on the street in Santo Amaro on 22 February 2000 on suspicion of armed robbery and illegal possession of firearms. At the time of arrest, he reportedly tried to run away. When he was re-arrested, he was allegedly kicked and beaten with the butt of a revolver, especially on the head. According to the information received, he was taken in a military police car to the 11th district police station of Santo Amaro. He was then allegedly beaten by two military police officers in the presence of a civil police officer. He reportedly only confessed to possessing a gun. He is said to have been seen by a magistrate only three or four months after his arrest. He is believed to have complained about the torture he had allegedly been subjected to to this magistrate, who did not react.

269. **Alexandre Santana Itsom** was reportedly arrested in flagrante attempting a robbery on 10 July 2000 by four civil and military police officers and was taken to the 11th district police station. According to the information received, he was shot in the stomach at the time of arrest and severely beaten with iron and wooden bars and a wooden baseball bat at the police station in the *delegado*'s office. As a result, his knee is said to have been broken. He was later given medical treatment for the shot, but was denied medical treatment for his knee by the police. It is believed that police officers signed confessions on his behalf. At the time of the interview (27 August 2000), his knee appeared to be dislocated. It is believed that his lawyer filed a request for *habeas corpus*. On 11 August, he reportedly saw a judge, to whom he complained about the torture he had allegedly been subjected to and who is said to have called for a medical examination.

270. **Francisco Andrade Nascimento** was reportedly arrested on 18 June 2000 on the street in the Santo Amaro neighbourhood by military police officers on suspicion of armed robbery. According to the information received, at the time of arrest he was beaten and thrown onto the

floor, where he was kicked in the ribs. A police officer allegedly stepped on his hands. He was reported to have been taken to the 11th district police station where he was reportedly forced to sign a confession under threat of being beaten again. His lawyer is said to have arrived one hour after he signed the confession. One month later, he was reportedly taken to court, where he did not complain about the torture for fear of reprisals since police officers were always present with him in the courtroom. He nevertheless is believed to have complained to his lawyer. According to the information received, he was taken to court on two other occasions.

271. **Edson Barbosa de Lira**, aged 23, reportedly detained at the Depatri police district in São Paulo, was allegedly beaten with baseball bats, iron bars and a telephone book in 1999. As a result he is said to have sustained bruises all over his body and to have fractured his pelvis. The police is said to have stated that he had tried to escape and had fallen from the roof.

272. **E.M.C.**, a minor detained at the Unidade Educacional 10 of the Complexo Quadrilátero do Belenzinho was reportedly beaten on 15 February 2000 while being transported to the Youth Court ("*Varas Especiais da Infância e da Juventude*").

273. **A.M.F.**, **A.F.L.**, **C.O.A.**, **E.S.** and **W.R.V.**, minors detained at the FEBEM in Itaquaquecetuba, were reportedly beaten on 23 October 1998 by employees of the Foundation. It is reported that they were beaten as a form of punishment. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

274. **Devanir Aparecido da Silva** was reportedly beaten at the 1st district police station in Sertãozinho on 20 July 2000. According to the information received, he was tied to an iron pole in the station courtyard as a reprisal for having verbally abused the police chief. He reportedly had his shirt taken off and was obliged to stand for one hour. He reportedly had cold water thrown over him and was whipped about 12 times. A lawyer allegedly witnessed the incident and the *corregedoria* of the police was allegedly informed about the case.

275. **Juvenile detainees** detained at the Unidade Educacional 01 FEBEM in São Paulo state were reportedly engaged in a rebellion on 12 June 2000. According to the information received, 15 employees of the unit, some of them wearing masks, entered the unit and beat the teenagers using pieces of wood and iron bars. The alleged aggressions reportedly took place in the courtyard and inside the inmates' cells. It is said that most of them were severely injured. **Agnaldo Martins Alves, Felipe de Oliveira de Andrade, Pedro Feitosa Leite Melo, Rafael Oliveira Santana, Saulo Fernando Castanho Teles, André Luis Pereira, Alex Martins Mendes, Marcelo Jesus de Oliveira, Silvano Lemos Costa, Cleverson Alves Guloni, Paulo Ubiratan Andrade Meira, Diego Casadia, Deivisson Roberto Souza Lima, Michel Alexandre de J. Moran, Emerson Alberto Cabral dos Santos, Anderson Luis Chavernue, Alisson Veras Valdevino, Edimilson Caboclo do Nascimento, Leonardo Soussona do Nascimento, Henrique de Oliveira e Castro, Alex Sandro de Oliveira, Vagner Souza de Macedo, Tarcisio André Candido Xavier, Rodrigo dos Santos, Ricardo Malinosqui do Nascimento, Marco Aurélio Rodrigues Souza, Luciano Luis Gonçalves, José Lincon Pereira da Silva, Wanderley Marcolino Ferreira, Geneilson Vieira de Souza, Felipe Tadeu Pedroso Celestino, Rafael de Jesus Cipriano, Elenaldo Silva Cavalcante, Paulo Alessandro Alves, Vagno Moreira Silva, Rafael Correa Druciak, Everton Luis Carvalho,**

Washington Luiz Pereira, **Israel Mandes de Oliveira**, **Wernerson Felix da Silva**, **Romualdo Antonio de Angelo**, **Marcelo Silva de Lima**, **Fernando Almeida de Sá**, **Moisés Ferreira da Silva**, **Gilvan Araújo Santos** and **Felipe Augusto Alves da Fonseca** allegedly underwent official medical examinations, which reportedly revealed lesions consistent with the allegations. An inquiry was reportedly opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

276. **Antonio Rodrigues dos Santos** and **Aldo dos Santos**, both councilmen, were allegedly arrested by military police officers during a political demonstration in front of the court in Diadema on 27 February 1998. They were reportedly taken to the Diadema 1st district police station, where they were verbally abused and beaten. Antonio Rodrigues dos Santos was reportedly hit on his genitals with a wooden stick and had his leg broken during the beating. He was later allegedly transferred to the police station in Serraia. The two men were reportedly released some hours later. According to the information received, Antonio Rodrigues dos Santos was taken to an emergency hospital and underwent an official medical examination. The *corregedoria* of the military police was reportedly informed about the incident.

277. **Paulo Ezequiel Manoel** was allegedly arrested in January 1998 and taken to the 44th district police station in São Paulo. He reportedly died three days later. According to the information received, the police said he killed himself by throwing himself at the wall of his cell. Medical examinations were reportedly performed and bruises allegedly found all over his body, wounds on his head and a violet mark on his right eye.

278. **Marcia Nogueira do Nascimento** was allegedly arrested by four military police officers on 5 August 1994 without being informed of the grounds for the arrest. She was allegedly beaten and taken to DEIC. She was reportedly denied access to a lawyer. She was subsequently allegedly taken to Assis police station, where she was reportedly forced to sign some papers. It is believed that she was placed in a cell, told to undress and searched. On the following day, she was reportedly interrogated. She is said to have been given electric shocks several times and to have been hit with an iron bar on her arms and legs. The police officers allegedly tried to hang her and torture her on the "parrot's perch". As a result of the torture, she reportedly lost consciousness. On 7 August 1994, she was taken out of her cell and beaten again. She was allegedly tied to a chair and gagged with a cloth in order to prevent her from shouting. She was reportedly burnt with cigarettes, and thrown on the floor. Some police officers are said to have stepped on her back. She was allegedly again given electric shocks to her mouth and vagina. Her sister was allegedly forced to accuse her. According to the information received, she was beaten for five days. As a result of the torture, she reportedly could not walk or talk, and reportedly had a serious head wound. She was reportedly forced to sign a confession and was placed again in the cell. After eight days she was reportedly visited and treated by a doctor. She was allegedly later transferred to another jail. According to the information received, she was sentenced to 26 years in prison 11 months after her arrest. On 14 August 1997, she was transferred to Tatuapé prison in São Paulo. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

279. **Silvio Tadeu Alonso Leoni**, detained at the Parelheiros prison in São Paulo, was reportedly beaten by 20 prison employees with baseball bats and iron bars on 23 November 1999 as a reprisal for an escape attempt at the prison. As a result of the beating, he is said to have lost

consciousness. On the following day, he was allegedly beaten by about six employees. According to the information received, he had a deep wound in his head and 17 lesions all over his body as a result of the beatings. On 24 November, he was allegedly transferred to the House of Detention in São Paulo (Carandiru prison). The next day, he was reportedly taken to the infirmary, where he received four stitches in his head. He reportedly underwent an official medical examination, which revealed lesions consistent with the allegations. The *corregedoria* of the prison system is said to have opened an investigation into the case. The proceeding was reportedly closed on the grounds that the "irregularities" that had allegedly occurred at the Parelheiros prison could no longer be looked into as the prison had been de-activated on February 2000. Despite a reported request by the state's attorney, no police inquiry is said to have been opened.

280. **Daniel Lino Cardoso**, detained at the 26th district police station in São Paulo, was allegedly shot on 9 March 1999 by police officers from the Armed Group for the Prevention of Thefts and Robbery. According to the information received, the officers arrived at the police station after an alleged escape attempt, invaded the cells and threw out the detainee's sheets and personal belongings. The civil police Special Operations Group (GOE) is said to regularly visit this district. According to the information received, on these occasions, prisoners are beaten and obliged to sing derogatory songs and have their personal belongings and food thrown out. Officers allegedly shoot against the lock-up. It is said that these visits follow the same pattern: officers form a Polish corridor composed of five men on each side carrying damp cardboard tubes. Officers allegedly force the prisoners to run through the Polish corridor and hit them as they pass.

281. **Wilton Oliveira Santos**, a computer analyst, was reportedly arrested on 29 May 1999 in São Paulo. He was allegedly taken to the 75th district police station where he was kept in an isolated room. According to the information received, he was later taken to a hospital in a coma. The police officers are said to have told the hospital officials that he had tried to commit suicide by suffocating himself. His relatives reportedly denied that he had ever showed signs of depression that might have led him to perform a suicide attempt.

282. **Gilberto Xavier Pinheiro**, detained at the 41st district police station in São Paulo, was allegedly beaten by two civil police officers with an iron bar on 14 January 1999. According to the information received, an inquiry was opened in March 1999. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

283. **João Nepomuceno de Moura, Valdir da Fonseca Filho, Joel da Silva, Adriano Augusto Toranello, Cláudio da Cruz, Manoel Messias dos Santos Mota, Antonio Carlos Rosa, Carlos Luis Pereira Diniz, Claudinei Silva Santos, Aparecido Manoel, José Carlos Ferraz, Edilson dos Santos de Souza, Carlos de Jesus, Mario Siqueira Mortessi, Edilson Donizete Galindo, Nilson Lopes de Moura, Adilson Silva de Oliveira, Alexandre Soares Padro, Edson Rosa, João Raimundo, Sérgio Wagner, Wanderlei Batista Martins, José Augusto da Silva, Luiz Carlos Santos, Romildo Moreira da Silva, Luis Carlos Pereira, Carlos Araújo de Oliveira, Alexandre Alves, Zenildo Costa, João Gilmar Mendes da Silva, Wilson Felix, Reinaldo Bezerra Duarte, Marcelo da Silva, Walmir de Melo, José Antonio Ramos, Dimas de Lima Vicente, Cícero Fidelis da Silva, Antonio Carlos de Matos, Vilson Custódio, Silvio Silverio Guimarães, Antonio Alves Rodrigues, Joselito Ramos da Costa,**

Carlos Roberto da Silva, **Luiz Vieira da Silva**, **Cesar Roberto de Moraes**, **Reinaldo Ponciano**, **João Luiz Santana**, **Eduardo Pedro dos Santos**, **Sérgio Luiz Soares**, **Agnaldo Antonio da Silva**, **Oscar Manoel da Cruz**, **João Batista Viana**, **Cláudio Ernesto**, **Helio Massi Jr.**, **João Ribeiro de Arruda**, **Pedro Antunes da Silva**, **Sandro Luiz Marinho**, **Givaldo Vieria da Silva** and **Robson Miguel de Lima**, detained at Dr. Javert de Andrade Agricultural Penal Institution in Sao José do Rio Preto, were reportedly severely kicked, punched and beaten with clubs by military police officers who were allegedly conducting a search in the detainees' cells on 8 March 1999. According to the information received, women and children who were visiting the detainees were submitted to degrading searches.

284. **Herberto da Silva Batista** was reportedly arrested in May 1999 and taken to the 85th district police station in São Paulo. During the court hearing, he allegedly fully confessed his participation in a crime. He was reportedly taken back to his cell and beaten by fellow inmates as a reprisal. His family is said to have increasingly noticed marks of severe ill-treatment, such as injuries on his face and burn marks around his mouth and eyes, probably caused by cigarettes. He allegedly started exhibiting psychological problems and refused to speak to family members or fellow inmates. Police officers were said to have been aware of the situation and had not transferred him to another cell.

285. **Eduardo Alves Pinheiro** was reportedly arrested by eight civil police officers while driving his car on 17 April 1999. He had allegedly escaped from the 5th district police station in São Paulo seven months earlier. According to the information received, the police officers took him to a forest area near the city, where the chief of the 5th district police station joined the group. Eduardo Alves Pinheiro was reportedly kicked several times in the head by the police officers, including by the chief of the 5th district police station and a police chief from Depatri. Eduardo Alves Pinheiro was reportedly driven to the Mandaqui hospital by the police officers, who allegedly told the doctors that he had been involved in a car accident. He was reportedly located by his relatives at Depatri, where he is believed to have been beaten again. At the lock-up, he was allegedly hung on a "parrot's perch" and subjected to electric shocks. On 18 April, his relatives allegedly requested the *corregedoria* of the civil police to initiate an official medical examination, which was allegedly refused. According to the information received, his family made the same request to the Department of Police Investigations. Officials at the Department reportedly replied that a medical examination could not be performed as they did not have enough vehicles to transfer him to a medical centre. Five days later, the Prison Ministry allegedly requested an official medical examination. It is said Eduardo Alves Pinheiro and his wife were subsequently examined.

286. **Valmir Higino da Silva** was reportedly arrested on 14 January 1998 and taken to the 3rd district police station in São Paulo. His family allegedly had no contact with him after his arrest. At the police station, he was reportedly attacked by other prisoners. He is said to have been transferred to another cell, where he was also beaten by his fellow inmates. A police officer also allegedly kicked and stepped on him. He was reportedly taken to a hospital by the Armed Group for the Prevention of Theft and Robbery. He was reportedly found dead on 18 January at the 3rd district police station. A police inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

287. **Alexandre Ribeiro da Silva, Claudionor da Silva Lago, Eduardo de Queiroz Manoel, Eduardo José Cordeiro, Francisco Ramos de Andrade, Jaime Barbosa de Paula, José Rubens Barbosa da Silva, Marcelo Chavez da Silva, Mário Oliveira Santos, Paulo Cesar de Souza Martins, Robério Calisto Pereira, Denilson Silveira de Paulo, Edgar Alves Braga, Edson José da Paixão, Edson Julio Penna Vieira, Francisco Rodrigues Monte Agudo, Gilson Gomes da Silva, Ivanaldo Silva de Oliveira, Jarbas José Rodrigues, João Roberto Pereira Santos, José Rodrigues dos Santos, Marcos Santos Cardoso, Matias Gomes da Silva, Mauricio Mariano, Nilton Belilio da Silva, Samuel dos Santos Cardoso, Sebastião Luiz Teixeira, Alequison Silva Medeiros, Aluísio Gomes da Silva, Antonio Rodrigues da Silva Filho, Aparecido José Sartori, Claudio Lacerda Magalhães Jr., Daniel Vinícius Canonico, Edivaldo Nunes Pereira, Edson Aparecido de Brito, Fernando de Carvalho Pereira, Gilson José da Silva, José da Silva Neto, José Luiz Araújo de Rosa, Juracy Odair, Luis Arlindo Lereno Filho, Luis Bonifácio da Silva, Luiz Osmar dos Santos Jr., Manuel Pedro da Silva, Paulo Antonio Sales, Paulo Vieira de Moraes, Sérgio de Oliveira Silva, Sérgio Esponton Gaspar, Valdemar Gomes, Valdir Marques da Cunha, Vicente da Costa, Agnaldo Antonio da Silva, Anderson de Oliveria Lopes, Angelo Eduardo de Lucena, Cícero José Pinheiro, Daniel da Silva Oliveira, Davi Rodrigues Lopes, Fabiano Padro de Oliveira, José Cicero Batista de Melo, Paulo Ramos Favale, Dalmir Lopes de Aquino, Davi Rodrigues Lopes, João Batista Queiroz, Leandro Arantes Marins, Sérgio Wilson Campos, Antonio Pereira da Silva, Beline Silva Melo, Denis Marcelo Moreira, Idalmo Ferreira da Cruz, Almir David das Neves, Antonio Fernandes da Silva, Dimas Camargo Josias, Edilson Ferreira Moreira, Jailson Teles Sobrinho, José Carlos Diniz, Renato José de Souza, Sérgio Robson da Silva, Valdivino Alves de Souza, Claudio Teodoro Aires, Antonio Estanislau dos Santos, Carlos José Costa Neto, José Carlos Nunes, Marcos Passos, Sérgio de Oliveira, Teodoro Soares dos Santos, Adalberto Ribeiro dos Santos, Claudio Cardoso, Cristiano Gonçalves de Souza, Djalma Freire dos Santos, Everealdo Paixão, Georgiano dos Santos Marinho, Gilson Gonçalves da Silva, Silas Candido Domingues, Eduardo Valentim Silva, Edson Félix dos Santos, Fábio de Ribeiro, José Joseildo Batista, Amilton Silva, Francisco Carlos Martins, Francisco Carlos do Nascimento, Francisco Edmilson de Almeida, Geraldo Marco Aurélio de Oliveira, Manoel Alves Jr., Marcelo Ribeiro Souza, Robson Gonçalves de Sá, Alexandre Joaquim dos Santos, Antonio Carlos Rafael, Arnoldo Vitor Batista, Joacir Barreiro Fonseca Jr., José Ribeiro da Silva, Ricardo da Silva, Wellington Vasconcelos dos Santos** and **Sérgio de Oliveira**, detained at the Depatri police station in São Paulo, were reportedly severely beaten by police officers of the Armed Group for the Prevention of Theft and Robbery on 1 February 1998. According to the information received, a "Polish corridor" was formed by police officers carrying iron bars, pieces of wood and guns. Officers allegedly forced the prisoners to run through the corridor and hit them as they passed. Official medical examinations performed three days later reportedly revealed marks of beatings on 107 detainees. Photographs were allegedly taken of the lesions on the detainees' backs, arms and legs. A civil police inquiry was reportedly opened. According to the information provided, none of the police officers involved in the incident was removed or punished. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

288. **Clener Mandis Barbosa**, detained at the House of Detention in São Paulo, was allegedly beaten on 19 February 1998. According to the information received, prison guards wearing masks entered his cell, destroyed his personal belongings and beat him. He was allegedly sent to the medical section of the House of Detention, but was not seen by a doctor.

289. **Olivio Leivas de Araoujo**, an inmate in Carandiru, who was said to be suffering from diabetes, was reportedly stung by an insect in June 2000, causing a major open infection to his whole lower leg. He is said to have received no medical attention except a bandage and saline lotion for the two days before the Special Rapporteur's interview with him on 25 August 2000. For the previous nine days, he had been interned in the medical wing. The medical records indicated that he had taken ampicile on 21 August 2000. According to the nurse, he was said to be receiving antibiotics and was suffering from a vascular problem. The medical report indicated that he had received medical treatment in January 2000 and that he had received antibiotics on 19 June. On 11 August, the doctor reportedly ordered a 10-day course of antibiotics, which he is said to have received from that date and which was noted on his medical record from 18 August. On 17 August, he was said to have been transferred to the medical wing. According to the doctor, he had not received any insulin for the previous five months as his blood sugar levels had dropped. According to the nurse, he was in need of vascular surgery, and a request had been made for an appointment, but the date had not been arranged because of security reasons.

290. **Humberto Mastrorosa**, **Antonio Carlos Rosa**, **David Guimarães Pinheiro**, **Evandro José do Nascimento**, **Daniel Della Rosa**, **Alexandre Alves Martinez**, **Carlos Ayrton Fernandes**, **Gerson Lomas**, **Mário Fideles Aparecido da Silva**, **Genilson dos Santos**, **Silvio Lopes**, **Douglas Vieira dos Santos**, **Fábio Moreira**, **Edson Alberto da Silva**, **Márcio Soares dos Santos**, **Everaldo Severino Felix** and **João Batista Filho** were allegedly beaten by police officers of the civil police Special Operation Group in the 34th district police station in São Paulo on 16 March 1998. According to the information received, the police officers invaded the cells after an alleged escape attempt. The police officers reportedly told all the prisoners to take off their clothes and to leave their cells, beat them with baseball bats and shot into the air. One hundred and sixty detainees were allegedly beaten. Detainees reportedly presented marks and lesions as a result of the incident, but were not allowed to undergo an official medical examination.

291. **Wanderley Gonçalves de Oliveira**, a government employee, was reportedly approached in the street by two military police officers on 2 June 1998 in Franca. According to the information received, he was accused of smoking marijuana. The police officers allegedly body searched him, but found nothing. It is reported that the police officers hit him with a club on his back, neck and kidneys. He allegedly underwent an official medical examination. A military inquiry was reportedly opened but subsequently closed because of an alleged lack of evidence.

292. **Márcio Anderson Dias**, detained at the 101st district police station in São Paulo was allegedly beaten by police officers on 23 February 2000. An official medical examination has reportedly been requested.

293. **Eduardo Pedro da Costa**, detained at the Americana jail, was reportedly taken from his cell to the courtyard together with other detainees from his cell block on 2 June 2000. It is alleged that he had initiated a dispute with a prison guard, who had hit him and had injured his head. According to the information received, the military police arrived at the jail and formed two parallel lines (a "Polish corridor") in the hallway between the courtyard and the cell block. The police reportedly ordered the detainees to remove their clothes and run through the Polish corridor whilst they beat them with clubs, iron bars, a short whip and steel razors. According to the information provided, the detainees were forced to lie down on the ground in the courtyard and were beaten again. The police officers reportedly doused them with water containing vinegar and salt, increasing the pain on their wounds. During the beatings, officers allegedly ordered the detainees to sing various self-deprecating phrases. The jail director was reportedly present during all the beatings. Eduardo Pedro Costa is said to have been singled out and beaten for approximately two hours with razor wire, clubs, bamboo sticks and iron bars. He was allegedly removed to a hospital the same day. According to the information received, he wavered in and out of consciousness and consequently was unaware which hospital he had been in. He is said to have been transferred from the hospital to the jail in Santa Barbara d'Oeste and later transferred back to the Americana jail. **Wilson Pereira da Silva**, another detainee, was reportedly whipped with various metal cords, metal bars, pieces of wood and bottles. **Cristiano Rodrigues dos Anjos**, also a detainee, was reportedly beaten with whips, bottles, iron bars and clubs. He was allegedly transferred to another prison a week later, together with another four detainees. There they are said to have been beaten again severely by the military police with clubs and wooden sticks. Detainee **Luis Claudio Bonfim** reportedly had his arm broken with an iron bar. He was allegedly examined on 2 June 2000 in a hospital. Detainee **Daniel Bueno** is believed to have been severely beaten with whips, causing over 50 lesions. It is also reported that he was hit on the head several times, causing him to lose all sensation for several minutes. According to the information received, photos of his body showed extensive skin discolouration over most of his shoulders, back and buttocks. Some days after the beating, his lawyer visited the jail and reportedly demanded that an official medical examination be performed. The sectional police chief of the Americana jail reportedly visited the jail on 14 July 2000 and conducted interviews with the director and several detainees. The sectional police chief allegedly ordered the removal of an investigator and a prison officer and opened an internal inquiry. On 31 July 2000, several detainees in the jail were said to have been observed to bear multiple scars.

294. On 30 January 2000, some mothers who were visiting their sons in Saint André FEBEM institution saw some wooden and iron sticks wrapped in a piece of cloth covered with blood. The press is said to have been called and to have video-recorded the scene. FEBEM authorities are reported to have collected the sticks and to have indicated to the press that they had been brought in by the detainees' mothers. It is believed that a large number of inmates of Saint André were observed to have suffered broken teeth, arms and legs at that time. According to the information received, FEBEM guards (*monitores*), some masked, had further beaten the minors in their sleep the following night.

295. **S.A.**, aged 18, was reportedly transferred from Carandiru, where he had been detained in the Criminological Observation Centre (COC), to the Franco da Rocha detention centre at the beginning of the summer 2000. According to the information received, he had been first detained in 1997, but had managed to escape during a rebellion. Upon arrival at

Franco da Rocha, he was allegedly beaten by coordinators and monitors who were accompanied by agents from the surveillance unit (UAP) and from the educational unit (UE). He and other detainees were reportedly told to take their clothes off and were severely beaten with wooden sticks and metal bars filled with cement. This allegedly happened several times after his transfer to Franco da Rocha and to have always taken place at night. The director is reported to have had witnessed such treatment many times and not to have ever tried to stop it.

296. **C.G.D.**, aged 17, was reportedly held in the unit of Franco da Rocha where a revolt took place in the summer of 2000. He was subsequently allegedly detained in a cell with a small window where he was locked up 24 hours a day in a cell without mattresses with 10 other detainees. According to the information received, about 10 monitors and coordinators and 2 UAP agents went to the cell to check the detainees and beat them up. It is alleged that C.G.D. was kicked on the face, stepped on over the hips and that his head was hit against a wall. All detainees in the wing where the revolt is supposed to have started were said to have been threatened with metal bars and beaten. After this incident, C.G.D. was allegedly subjected to constant humiliation and death threats. It is reported that his request to receive medical assistance was denied.

297. **Gilberto Ferreira Da Silva** was reportedly arrested on 24 August 2000. He was allegedly caught in flagrante by civil police and military police officers. According to the information received, he was kicked on his face while lying on the floor by three military police officers before being taken to a police station. As he was bleeding, he was reportedly later taken to a hospital by the officers who had arrested him. During the medical examination a doctor asked the police what had happened and a police officer allegedly replied that he had just been arrested. It is reported that he was taken to the 11th district police station in São Paolo where he signed a confession (*nota de culpa).*

298. **Jorge Miranda do Nascimiento** was reportedly arrested in November 1999 at his home. It is reported that the police entered the house and as he was not present took away his wife until he returned. He was allegedly taken to the 47th district police station in São Paolo where he was beaten with wooden sticks and metal bars by four or five police officers for some two hours and kicked on his face and on his feet until he signed a confession. It is believed that he was threatened.

299. **F.G.L.**, aged 15, was reportedly arrested on the street by three members of the civil police on 24 May 1999 in São Martens, allegedly caught in flagrante delicto committing a car theft. He was reportedly taken to the 49th district police station, where it is believed that he was beaten, in particular in the stomach, with pieces of wood and with their hands by the policemen and the owner of the car. He is said to have then been forced to sign a confession. He was reportedly brought before a prosecutor two days later and complained to him about the ill-treatment he had allegedly been subjected to. The same day, he is said to have been seen by a judge. The lawyer he had been assigned did not mention the fact that the confession had been extracted under duress. According to the information received, Fabio Gomez da Lima complained directly to the judge, who is said not to have reacted. His mother was reportedly informed of his arrest at 2 a.m. the following morning. When she arrived at the police station, she is said to have been denied access to her son, who was being transferred to the FEBEM *Unidade de Accolimento,* where he stayed for five days. It is reported that he had to remain

silent, his hands behind his head. It is believed that each time an adolescent broke the silence rule, he was beaten. According to the information received, his mother only saw her son five days later at the BRAZ. Despite the fact that she could not speak to him in private, she reportedly noticed that he was seriously distressed, pale and had a smashed face. He reportedly spent the following eight months between Tatuapé and Saint André prisons, being transferred each time a revolt occurred. It is believed that each time, he was severely beaten, in particular on the legs with wooden sticks. During his detention in Tatuapé, he was allegedly also held in solitary confinement for 15 days, during which time, he was reportedly beaten at each guard duty shift. On one occasion, he was reportedly transferred to a hospital, where it is believed he spent three days, with swollen and bruised arms and shoulders and a wound on his foot. Since April 2000, he is said to be detained at Franco da Rocha. According to the information received, he was beaten after the revolt which occurred there in mid-August 2000. It is reported that he was seen with bruises on his arms. It is believed that the marks result from the fact that he tried to protect his body from the beatings. The length of his sentence is not known. Furthermore, his mother is said to have spent days and nights in front of FEBEM institutions with other detainees' mothers, and to have been harassed and humiliated by guards and police officers.

300. **Nelinda Martin Seli**, sentenced to five years' imprisonment, was reportedly transferred from Cadellon police station to Tatuapé women's prison in April 2000. It is reported that she has health problems related to menopause and that she is receiving no treatment. According to the information received, she has lesions on her pelvis and femur but, because of alleged lack of means of transport, she cannot go to hospital.

301. **L.R.A.L.**, aged 17, was reportedly arrested by members of the military police on Paia Grande beach on 21 March 1999, allegedly caught in flagrante delicto committing armed assault. His mother was reportedly informed the following night. He reportedly spent 12 days in the police station headquarters of Vila Tupi, commonly known as Sede. His mother is said to have been denied access to him, but was able to give him cigarettes and cookies through the policemen. She reportedly saw him for the first time in *Imigrantes* in early April 1999. According to the information received, he was very weak, half naked and cold; he could not speak and had to keep his hands and head down during the entire visit. It is reported that the FEBEM authorities decided that he was a psychopath, despite the fact that his mother informed the relevant authorities that her son was on a drug-withdrawal programme. In July 1999, he was transferred to the Internato Nova Conceição after having allegedly been seriously beaten. He was reportedly transferred to several different places of detention during the following months and was allegedly beaten on each occasion. He was reported to have finally been transferred to the Instituçao Claudio Amansio, where he is treated for his drug addiction. It is believed that he was sentenced for an undetermined period on charges of armed assault. The judge who ordered his transfer to the Instituçao Claudio Amansio reportedly decided that he could stay there for one year only. Fears have been expressed that once returned to a FEBEM institution, i.e., in February 2000, he would begin to take drugs again as it is reported that drugs are widely circulating in these institutions.

302. **C.O.S.**, aged 17, was reportedly arrested by members of the civil police on the street in San Martens in February 2000 after having escaped 14 months previously from *Imigrantes*. He had reportedly been convicted early in 1998 on charges of armed assault. At the time of his first arrest, he was reportedly taken immediately from the police station to Pinheiros, where he was

seen by his mother with bruises all over his body; he was said to be urinating blood at that time. At the request of his mother, he is said to have seen a doctor the day following his arrival at Pinheiros. After some three months of detention, he is reported to have been transferred to Tatuapé at night. His mother is said not to have been informed of this transfer. During the two months he spent in Tatuape, his mother allegedly saw him on several occasions with bruises on his body. It is believed that he was, in particular, beaten with a wet cloth. He was then transferred to Saint André, where a revolt had occurred in June 2000. He was said to have been in such a state of shock that he was not able to speak the first time his mother saw him after the revolt. He allegedly had several cuts, in particular on his legs and ears, and had had his head banged against the bars. According to the information received, he had also been forced to kneel on a firecracker and had severe injuries on his knees as a result. He was then transferred to Pinheiros, where at the beginning of August his arm was allegedly broken by prison monitors. His mother is said to have complained, including to a judge, and he eventually received medical treatment. An internal inquiry is believed to have been initiated, the results of which were not known at the time the Special Rapporteur was informed of this case (23 August 2000). A medical certificate is reported to have been given to the FEBEM authorities. The judge in charge of the case is believed to have asked for a report on the incident from the social worker working with C.O.S.

303. **Carlos Augusto Carvalho Oliveira**, aged 27, was reportedly arrested by members of the civil police in a bus in Santo Amoro on 25 October 1999, on suspicion of assault. He was allegedly beaten with a rifle butt at the time of arrest and threatened with a gun. He was reportedly taken to the 11th district police station in Santo Amoro, where his statement was recorded by the head of the station, who then allegedly took him to a room where he was stripped naked, kicked in the stomach and legs, banged against the walls and his hands were stepped on. He is believed to have lost consciousness. Then, he was reportedly forced to sign a confession (*nota de culpa*). It is reported that his family was informed on the day of his arrest but that he was only able to meet with his lawyer after two days. A medical report indicating "light bruises" is said to have only been issued one week after his arrest. His lawyer reportedly filed a complaint for ill-treatment and asked for the medical report to be forwarded to the *corregedor*. It is believed that the officers allegedly responsible are still on duty, despite the fact that in early August 2000, Carlos Augusto Carvalho Amoro recognized them during a parade. He is said to have been convicted and sentenced to five years and four months in prison. At the time the Special Rapporteur received information on his case (23 August 2000), he was said to be still held in the same police station and to be constantly threatened by police officers. He had allegedly been beaten once when, with other detainees, he asked for the transfer of a sick detainee.

304. **Diego de Sena Medine**, aged 18, reportedly fell from the roof of one of the wings of Franco da Rocha during the 10 August 2000 revolt. It is believed that he fell from the roof while trying to avoid beatings from the masked guards with iron bars. According to the information received, he fractured his skull in the fall and was beaten with wooden sticks while lying on the ground. It is reported that the Franco da Rocha authorities indicated that he had been pushed from the roof by another inmate. At the time of the visit to Franco da Rocha by the Special Rapporteur (24 August 2000), D.S.M. was lying in a clean bed with sheets. It was alleged that

he had been transferred to an infirmary cell two days before the visit of the Special Rapporteur and that before, he had been detained in a very dirty cell without a bed or blankets. It was also reported that other sick detainees were transferred to another place of detention.

305. **Antonio Rodriguez**, a city representative of Diadema, was reportedly arrested on 23 February 1998 in front of the Town hall where he had had a meeting with the city council regarding the provision of water to some communities. The military police are said to have provoked a riot by insulting some of the demonstrators who were waiting outside the building to learn the result of the negotiations with the authorities. Antonio Rodriguez was allegedly beaten while he was handcuffed. He was allegedly grabbed by the penis and was kicked. Two other persons were said to have been arrested with him. He was reportedly beaten in the police car which was taking him to the 1st district police station in Diadema. At the police station, it is alleged that he was humiliated. According to the information received, before being transferred by military police officers to the police headquarters, his left ankle was squashed in the door of the police vehicle in which he was going to be transferred. Many people, including his wife, were said to have witnessed this incident as they were demonstrating outside the police station for his release. At the police headquarters, he was humiliated, threatened and thrown against the walls. Still handcuffed, he was reportedly then taken to the emergency room of the Diadema central hospital, where he was diagnosed as having a broken leg. The medical report is believed to have been taken by a police officer. He was then reportedly returned to the police headquarters, his broken leg in a cast. There, he was seated on a chair which was allegedly lifted in the air before being dropped. He started to give his version of the facts, including the police violence, to the civil police officer who was interrogating him. But he was then allegedly interrogated by three military police officers who were pointing their guns in his direction. At 3 a.m., he reportedly paid his bail and was released. His body was said to be covered with bruises and he underwent three operations on his broken leg. He was later accused of damage to public property, disobedience and disrespect towards the public authorities. According to the information received, he complained to the city council, the *ouvidor* of the military police, the Secretary in Charge of Public Security and various human rights institutions, to no avail. He reportedly did not file any formal complaint with the police because he was advised to wait to the end of the proceedings against him.

306. **Lucio Antonio de Carvalho** was reportedly arrested on 25 May 2000 in the Pacaembu neighbourhood by 15 military police officers from the 2nd district police and five officers from the DEPATRI. It is believed that he was arrested on orders from a lieutenant on accusations of extortion made by his former girlfriend, and was taken to the DEPATRI, where he was slapped on the face. Handcuffed in the back, he was then allegedly kicked and beaten by several officers, including the *delegado*. He was allegedly forced to sign a confession under threat. He was then reportedly put in a DEPATRI cell with 30 other detainees. Two days later, a detainee is said to have bought a firearm from one of the guards and a revolt began, but with no success. A few detainees are believed to have been seriously injured during the clash with the guards. An hour and a half after the end of the revolt, some 60 guards wearing masks reportedly entered the cells and, on orders from the chief of the lock-up (*carceiro*), began to beat all the detainees, who were stripped naked. They were forced to leave their cells one by one and were allegedly made to go through a cordon of guards who beat them with wooden sticks. They were then reportedly made to face the wall and were beaten, in particular on the head, the ribs, the back and the testicles. He is said to have fallen unconscious on several occasions and to have been woken up

by having cold water thrown on him or electro-shocks applied to him. He was allegedly taken to a separate room by seven hooded men and received electro-shocks on his penis. This is said to have lasted for more than 90 minutes, during which time he fainted on three occasions. According to the information received, he was taken back to his cell covered with blood. There, all the detainees were threatened by the *carceiro* with being killed and bullets are said to have been fired at the wall above their heads. The following day, he was allegedly taken to a separate room, where he was stabbed with a knife on the right arm and kicked in the face by men wearing hoods on which was written "GOE" (*grupo operacion especial*). It is believed that he was subjected to specific treatment after the revolt because he is a former well-known bodybuilder. On the following day, all the detainees were reported still to be naked in their cells and the cleaning women are reported to have refused to enter the premises if the detainees were not given decent clothes. They were reportedly deprived of food for the five days following the revolt. A day or two later, Lucio Antonio de Carvalho's lawyer is believed to have been denied access to him. On the following day, his lawyer was reportedly told by the guards that his client had been beaten by other detainees. Lucio Antonio de Carvalho was nevertheless able to speak to his lawyer, who is believed to have filed a complaint against the police officers. The same day, it is also reported that he fell shaking on the floor of his cell. During this entire period, he could allegedly not eat and was vomiting blood. At the time of the interview (25 August 2000), marks consistent with his allegations were still visible on his stomach, his right arm, on both knees and hands and on the back of his head. Pictures of his swollen penis and testicles were shown to the Special Rapporteur.

307. **Ronaldo Gaspar dos Santos** had reportedly been sent to the punishment cells of Pavilion Four, the so-called dungeon, two weeks before the visit of the Special Rapporteur (24 August 2000), allegedly for not having opened the door to a guard. According to the punishment cell registry, he was supposed to be held there at the time of the visit, but was said by the director of Pavilion Four to have been taken to court. After an hour or so of discussions, the director acknowledged that he had in fact been transferred to the State High Security Prison of *Carandiru* complex, where the Special Rapporteur immediately visited him. According to the information received, on the night of 22/23 August, he, and two other detainees had been taken out of the punishment cell and taken to Pavilion Five, where he was allegedly forced to sign a paper accepting his transfer to this pavilion where the so-called *seguros* are detained. He was allegedly beaten with iron bars for two hours by five guards from Pavilion Five. He was then reportedly taken to the punishment cells of Pavilion Five of which he gave a clear description, consistent with what the Special Rapporteur had been able to see during his tour of this section of Pavilion Five. At 2 p.m. on 23 August, he had reportedly been transferred back to the medical section of Pavilion Four where he was reportedly seen by a doctor who diagnosed a broken leg (left). With his leg in a cast, he was reportedly sent back to the punishment cells of Pavilion Five, before being again transferred to the punishment cells of Pavilion Four where he spent the night. According to the information received, at 9.30 the following morning he was seen by a doctor before being taken to the State High Security Prison without any explanation. At the time of the interview (25 August), he not only had his left leg in a cast, but also several bruises on his back and hands consistent with his allegations. Furthermore, it is believed that he was in the so-called "situation of transit", i.e., being moved from one penitentiary institution to another every 30 days or so since his arrest in early 1997.

308. **Marcelo Fereira da Costa**, aged 28, was allegedly subjected to the same treatment as Ronaldo Gaspar dos Santos. He had allegedly been held in the dungeon for the two weeks before the visit of the Special Rapporteur (25 August 2000). At the time of the interview, bruises and haematomas consistent with his allegations were still visible on his left thigh, left and right arms and back.

309. **Marcelo Miguel dos Santos**, a detainee at the *casa de detenção* of Carandiru, reportedly went to see the director of Pavillion Six in order to ask him for a transfer from Pavillion Nine on 5 July 2000, in order to benefit from prison progression to a semi-open regime. He is said to have entered his office with his hands behind his back. The director reportedly told him that if he was from Pavillion Nine, he could leave the office immediately. Marcelo Miguel dos Santos, who is said to have a cataract in his eye and not to see very well, reportedly accidentally kicked a small gate when leaving the office, and apologized. The director allegedly stated that he had kicked the door out of arrogance, took him to a law enforcement room on the ground floor (basement), the *carceragem*. He reportedly told him to undress and he was subsequently beaten on his back and arm by five or six employees with a piece of wood for about half an hour. The director is also said to have punched him. As a result of the beating, he reportedly sustained haematomas under his right arm, swelling to the left side of his back, and injuries to his right shoulder and the base of his neck. The director is subsequently said to have signed a document sending him to the punishment cells in Pavillion Five for 30 days for "flouting the authority of a staff member in order to undermine order and discipline". His lesions reportedly began swelling. From 5 until 23 July 2000, he was told that he had no right to go to the hospital, to the emergency room or to the infirmary in the prison whilst he was in the punishment cell. Other prisoners are said to have shouted in order for him to obtain treatment. Eventually, the person in charge of the infirmary is said to have given him painkillers. On 23 July, he was reportedly sent to the infirmary, and in the afternoon to a hospital by the infirmary doctor. Because of his injuries, he was said not to have been able to sit. Twice blood and puss was said to have been massaged from his lesions, the first time five litres, the second time three. He was again taken to hospital on the night of 25 August for three hours, the longest period he had been in the hospital since the beating, and was reportedly returned to prison at 1 a.m. Four times, physicians at the penitentiary reportediy said that he ought to be brought to hospital, but there was said to have been no military police available to accompany him. At the time of the interview with the Special Rapporteur, on 26 August 2000, he was in a wheelchair and had visible serious injuries consistent with his allegations, including a large infected wound on his back. He could not move his right arm. The Special Rapporteur inspected the disciplinary report on Marcelo Miguel dos Santos. It stated: "on the date at the place at the time mentioned above, the perpetrator came into the room of the directorate of the security centre (*nucleus)* without authorization and was immediately asked to wait outside the room in order for us to attend to him. He paid no attention and started running around and hit the door with great aggressiveness. For this reason it is being recommended that he be sent to preventive isolation in security nucleus III in accordance with art. 50 LEP."

310. **Denis Renato Fereira**, aged 18, was reportedly arrested at home in Francisco Morato on 21 December 1999 by four military police officers and a court official with an arrest warrant. He was searched after having escaped from *Imigrantes*. He was reportedly taken to the closest police station and was taken the following day to the FEBEM reception unit, where he is said to

have stayed some 15 days. There, he was allegedly beaten with pieces of cable and iron bars, as well as kicked, to punish him for having escaped from *Imigrantes*. It is reported that he was subjected to such beatings every day for 15 minutes at the change of duty guard shift. He was said to be forced to take cold showers to make the marks disappear and he was sometimes held in a pitch dark cell. He, like other minors, was allegedly forced to stay seated in silence all day long with both his hands behind his head. At night, it is reported that he was not given a mattress and had to sleep with some 15 other adolescents in a small room on the concrete floor. He was reportedly not always allowed to go to the toilet when he requested. He was said to have been told that his family had been informed of his arrest, which he discovered later was not true. According to the information received, he was not produced before a prosecutor because he was not charged with any new offence for having run away from a FEBEM institution. He was then reportedly taken to the Pinheiros juvenile detention centre, where he was beaten with iron bars and cables upon arrival for half an hour. He was then said to have been taken to a pitch dark room, where he stayed alone for some 10 days, being only allowed two or three times a day to go to the toilet. He was then allegedly taken back to a cell containing eight concrete beds for 16 detainees. According to the information received, when the guards were on drugs or drunk, the detainees were beaten, kicked and punched for no reason. This is said to happen mainly at night. In three months, he is reported to have seen his family only three times. He was then said to have been transferred to São André juvenile detention centre, where he stayed for the first two days in a dark cell. Five or six days later, he was allegedly beaten. At this point, desperate, he is believed to have asked the guards to kill him. Then he was transferred to the Criminological Observation Centre (COC) of Carandiru, where he is believed to have stayed for two months. On 5 or 6 July 2000, a revolt is said to have occurred in the COC, where 98 minors were said to be held at that time. The military police is reported to have intervened, as well as the mob control units. According to the information received, the revolt was provoked by the fact that the prison guards had called in the mob control units to undertake a cell search. The prison guards are believed to have claimed that the detainees were armed with iron bars. The Director of the COC is said to have been present throughout the revolt. All the minors were reportedly taken to the yards and forced to undress. Fearing that they would be beaten, they are believed to have refused. The mob control and military police officers are then reported to have started beating the adolescents and to have fired rubber bullets. At the time of the interview (23 August 2000), two marks consistent with the allegations were still visible on his body. The beatings and shootings in the courtyard are said to have lasted for four hours. The adolescents were then allegedly forced to run through a Polish corridor to go back to their cells.

311. **Samir de Luisa Rodriguez**, aged 19, was reportedly also present during the alleged revolt in the COC on 5 or 6 August 2000 and was subjected to similar treatment.

312. **L.H.F.A.** is said to have been transferred to the Franco da Rocha detention centre at the time of its inauguration. After a revolt had reportedly taken place on 14 August 2000 in the surveillance unit of another FEBEM detention centre, both the minors and the guards from that unit had been transferred to the education unit of Franco da Rocha. After that move, detainees were said to have been hit for little apparent reason, such as talking to each other. For one week, from 15 to 22 August 2000, detainees were reportedly not let out of their cells. On 14 August 2000, L.H.F.A. was allegedly beaten by seven or eight guards. They reportedly forced him into a corner, beat his right arm, left foot and right knee with a metal bar, hit his head

with handcuffs and kicked him. They are also said to have targeted his stomach, where they hit him with an iron bar on a scar which had been the result of an operation a year earlier. As a result of the beatings, his right knee was reported to be swollen, there was a scar on his left foot and he is said to suffer internal pain in his stomach. At the time of the interview (29 August 2000), marks consistent with his allegation were still visible.

313. **Vicinius Prestes de Oliveira**, aged 18, who had reportedly been sentenced to an indeterminate period of detention for aggravated car theft, was said to have been transferred to Franco da Rocha at the beginning of August 2000. According to the information received, he had been beaten on the back with an iron bar and a wooden stick by the night coordinator of the guards and by another guard at 10 p.m. on 24 August 2000. Twelve to 15 guards reportedly came into the cell, several of them masked, bearing sticks of wood and metal bars. They are believed to have beaten the juveniles because they found a pencil in the cell. At the time of the interview (25 August 2000), marks on V.P.O.'s back consistent with his allegation were still visible.

314. **Valeria Aparecida Ribeiro** was reportedly arrested on 26 June 1996 on the street in Santus, State of São Paolo, on suspicion of assault. She was said to have been arrested by three military police officers and taken to the closest district police station, before being taken to a police station lock-up for women, from which she tried to escape. She was then reported to have been transferred to Carandiru Women's Prison and has since then been transferred from one place to another (in so-called "transit"), every month. Upon arrival in Tatuapé on 13 April 2000, she is said to have spent 28 days in a punishment cell. Two male guards had allegedly tried to touch her breast and when she shouted, she was allegedly slapped on the face. She did not complain for fear of being sent back to the punishment cell. Her family is said to be living far from Tatuapé which makes it almost impossible for her relatives to visit her. Her mother is said to have been denied access to her on at least one occasion.

315. **Jose Pereira da Silva Filho** was reportedly arrested on 24 August 2000 by six civil police officers from the anti-kidnapping unit on suspicion of extortion by means of kidnapping. He was said to have been kept for six hours at a district police station, where he was allegedly given electro-shocks on his legs and arms, hung upside down and beaten with wooden and iron bars, kicked and subjected to the technique called *telefono*. According to the information received, he was also forced to eat salt and to drink water in which the officers had previously spit. He is believed to have signed a confession without having been allowed to read it. He was then said to have been obliged to take a cold shower and roll on the floor handcuffed. At 4 a.m. on 25 August, he was reportedly transferred to the DEPATRI, where he was kicked and punched upon arrival by four police officers. At the time of the interview (27 August), he had large haematomas on his back and stomach, consistent with his allegations. He is believed to have asked the head of the jail section to be allowed to have medical treatment, to no avail.

316. **Fabiano da Silva Cesario** reportedly received a gunshot injury on 25 August 2000 in Iberapuera from a civil police officer believed to be from the DEPATRI. He is said to have been arrested in hospital while receiving medical treatment. At the time of the interview (27 August) his arm was in a cast and it was swelling. He was believed not to be receiving medication.

317. **Antonio Elisvaimo Severino Silva** was reportedly arrested on suspicion of assault and beaten at the time of arrest on 8 October 1998 by several civil police officers believed to be from the DEPATRI. He was then taken to a bush area, where he was alleged to have been hung upside down from a tree and gunshots were said to have been fired close to his head. He was then reportedly taken to the DEPATRI, where he was beaten upon arrival. A police officer is reported to have jumped on his back. It is believed that he had started to bleed from the mouth and nose. He was allegedly asked to pay 45,000 reais in order to avoid signing a confession. As he could not pay, he is said to have signed a confession under threat of being subjected to further beatings. He was then reportedly taken to the emergency room of Saint Anna Hospital. During the transfer, he is believed to have been beaten. According to the information received, he was brought before a magistrate on the following day. He was reportedly released on bail. On 13 June 2000, he was reportedly arrested by military police officers on suspicion of armed robbery. According to the information received, he was beaten and pepper sprayed on the street at the time of arrest and was then taken to the DEPATRI, where his lawyer is said to have asked for a medical examination. A police officer is reported to have entered the office of the IML doctor who examined him. It is believed that because of the presence of the police officer he did not dare to complain about the beatings. He was reportedly never interrogated. On 1 August, he is said to have been presented to a magistrate, to whom he complained about his ill-treatment. The magistrate is believed not to have reacted to his allegations. It is reported that his lawyer informed him that he himself could not speak in court before the third hearing.

318. **Luiz Antonio Roza** was reportedly arrested on 26 June 2000 and taken directly to the DEPATRI, where he was allegedly beaten by highway police and DEPATRI officers upon arrival. He was allegedly also punched and kicked in the genitals. He is reported to have signed a confession without having been able to read it. He was reportedly never interrogated again. On 7 August 2000, he was said to have been brought before a judge who informed him that he had been charged with having formed a criminal gang. He was reportedly not allowed to speak to the judge. It is reported that he complained to his lawyer about the beatings he had allegedly been subjected to. According to the information received, the police had intended to call a television station, allegedly in order to portray him as guilty.

319. **Wilson Pereira da Silva** was reportedly arrested by four civil police officers on 22 May 2000 in a branch of the Itau Bank where he was working in São Paolo and taken to DEPATRI on suspicion of having been an accomplice to a bank robbery. He was reported to have been taken to the 1st *Delegacia* of DEPATRI in charge of bank robberies, where he was slapped, subjected to the technique called *telefono* with two bottles full of water, and beaten with their fists by police officers. He reportedly refused to sign any confession despite having reportedly been subjected to such ill-treatment for six hours. According to the information received, he was then transferred to the 77th District Police station where he spent five days. He was allegedly taken back to the DEPATRI every day where he was interrogated and beaten, as well as subjected to insults and humiliations. It is believed that the police officers also threatened to harass his family. On 28 July, he reportedly appeared in front a judge to whom he did not complain about the ill-treatment, because his family had been threatened with reprisals. His lawyer, to whom he is said to have complained about the ill-treatment, is reported to have said that she would take action.

320. **Adilson Chrusczak** was reportedly arrested on 13 July 2000 by two police officers wearing civilian clothes on Anchietta Avenue in São Paulo, on suspicion of extortion. At the time of arrest, he is believed to have been thrown on the floor and a police officer is said to have stepped on his back. He was then allegedly taken to the Riacho Grande area where he was beaten, in particular with a gun butt, for approximately one hour. He was then reportedly transferred handcuffed to a place which is said to be the building formerly used as a jail, where he was allegedly beaten by five or six officers. He was then reported to have been forced to take a cold shower. At 3.00 a.m., he was reportedly forced to sign a confession that he was not allowed to read. At 4.00 a.m., he is said to have been transferred to the DEPATRI jail. He is believed to have been stripped naked and to have been beaten. According to the information received, because of the overcrowding in the cells at the time of his transfer, he was held in the visitors room for seven days. In this room, it is reported that there was no mattress and no toilet and that detainees had to use bottles and plastic bags to relieve themselves. On several occasions during these seven days, they were allegedly beaten with iron bars, each time for some 40 minutes. Forty days after his arrest, he was reportedly brought before a judge without having previously been able to meet with his lawyer.

321. **E.S.S.**, aged 17, had reportedly been transferred to Franco da Rocha on 30 July 2000 at its reinauguration. On 14 August, more than 20 guards are said to have invaded his cell in the early morning and to have thrown several detainees on the floor. One warden reportedly hit him in the face and on his elbow with a metal bar and a piece of wood. As a result, he reportedly lost a front tooth and his arm was reportedly broken. He was also said to have been hit on the back by a number of other guards. He was reported to have been taken to hospital on the same day, however, when he arrived the doctor was said to have been leaving, so he did not receive any medical treatment. As a result, he was reportedly unable to bend his elbow fully.

322. **Sebastiáo Guilherme dos Santos**, a detainee in Carandiru prison, had reportedly been shot in the leg in 1995 in the street when he was working as a train cleaner. In May 1998, he was said to have been arrested and transferred to the police station in Itapevi, where he was detained for about three months, and from there to the Embu das Artes police station. On 27 April 1999, he was reportedly transferred to Carandiru prison. His leg reportedly had become infected at the Itapevi police station; however, he was allegedly not taken to hospital. After his transfer to Carandiru, he was reportedly supposed to receive medical treatment at the public hospital; however, the doctors at the Hospital das Clinicas reportedly refused to accept him on the grounds that they did not accept prisoners for treatment. He reportedly was sent to another hospital some time later, where his wound was looked at and he was sent back to prison. A week later, he went again to hospital and was said to have been sent back without treatment. In mid-August 2000, one week before the visit of the Special Rapporteur, when his whole lower leg was infected and covered by an open wound, he was reportedly sent to a hospital where a doctor told him to keep the bandages clean, change them twice a day and to disinfect the wound; only when the wound was no longer oozing, could surgery be performed. The medical staff at Carandiru prison are said to have given him injections for the pain, anti-inflammatory medication and bandages to the extent available. However, for three days in a row during the week before the Special Rapporteur's visit, the bandages reportedly were changed, and prior to that no bandage material is said to have been available for over a week.

323. **Otávio dos Santos Filho** was reportedly summoned to appear in court in 1996 and sentenced in absentia to five years and four months' imprisonment for armed robbery. According to the prosecutor, he had never received the summons as his address "did not exist" and the sentence was published in the official gazette. In February 1997, he was reportedly arrested by military police and taken to the DEPATRI jail in São Paulo where he is said to have been detained for eight months. On 13 October 1997, his sister-in-law allegedly visited him and found him in good health. On the following Friday, his sister reportedly found out that her brother was sick. The following day, she went to the jail to take medication to him. Outside the police station, she was informed by him through the use of her mobile phone that his request to be taken to the emergency room had been refused. On Saturday at 4 p.m., she called him again and he allegedly said that he had been taken to the hospital where he had received some treatment from a nurse but had not been allowed to see a doctor. According to the information received, the previous Thursday he had experienced severe breathing problems and had insisted that he be taken to the emergency room. The *delegado* reportedly stated that it was too early. He was allegedly taken from his cell, brought to the *parlatorio* and punched and kicked throughout the night, and taken back to his cell the following morning. A witness outside the jail reportedly saw him vomiting blood when he was being taken to the hospital. Upon hearing about the events, his sister tried to visit him, but her brother was reportedly too afraid of being beaten again if he spoke to her. According to the information received, a lawyer was reportedly informed by the family but did not request immediate access to him. His sister reportedly spoke to him last on Sunday, when he was said to have been feeling very weak. When she went to the jail on Monday morning, together with a sister-in-law, the *delegado* is said to have informed her of her brother's death. She was reportedly allowed to see his body on the same day. The death certificate is said to state the cause of death as "undetermined". His sister reportedly paid for a copy of the IML certificate, according to which he died in hospital because he had hit his head while in jail; no alcohol or drugs had been found in his blood. The sister allegedly sent this certificate to a medical doctor in Guaratingueta, who concluded on the basis of the certificate and the photographs she had taken of the body that Otávio dos Santos Filho had died from a haemorrhage. In December 1997, the human rights commission, through the prosecutor, reportedly started proceedings and had a first audience with a judge. The prosecutor was reportedly taken off the case and replaced. The judge reportedly heard witnesses who reported that on Sunday night the inmates had called for help, that the victim had been bleeding and that the *delegado* had stated that there had been no car available to take him to the hospital. According to the information received, the proceedings were stopped for unknown reasons. The Special Rapporteur would be grateful to receive information about the outcome of the judicial proceedings.

324. **Nilson Saldanha** was reportedly arrested in flagrante delicto on 15 July 1998 and taken to the 50th, the 70th and later to the 55th district police station. He was allegedly found guilty of robbing a truck. He was reportedly sentenced and was awaiting the appeal. He reportedly asked to be transferred to a prison. On 9 July 2000, the civil police officers of the *delegacia* reportedly asked the Special Operations Group (GOE) to enter the cell where he was detained to stop a fight. According to the information received, they entered the cell, told the prisoners to remove their clothes and searched them for weapons. When they found a gun, they reportedly started beating detainees (it is thought there was a total of 36 prisoners in the cell), including the above-named person who could not get up. The GOE are said to have poured liquid over some

mattresses, to have told the detainees to lie down and to have given them electro-shocks. Nilson Saldanha was allegedly handcuffed, tied to the cell bars with his feet in a bucket and given electric shocks. He was reportedly also beaten with an iron bar and lost consciousness. It is believed that his skin was extensively injured, that he had three broken ribs and burns between his toes, but he was not taken to hospital until 18 July 1998. When his wife tried to visit him on 15 July (as she did every Tuesday), the *delegada* and the head of the lock-up reportedly told her that there had been a revolt and that visits were therefore suspended. The following day, she was reportedly informed by a man who had been released the same day that Nilson Saldhana was in a very bad state. She was said to have heard from a local journalist that he was dead in hospital. According to the information received, his lawyer saw him on 15 July and at that time he was only reportedly suffering from a pain in his back. It is believed that he was taken to the hospital twice on the following Sunday. He was reportedly beaten in the car, given two injections in the arm and one in the head. His legs were said to have been paralysed and he had convulsions. As detainees in the cell called for help, he was allegedly taken out of the cell and put in a "*cajo*" (another cell where prisoners caught in flagrante were held) together with another man. He reportedly died at 2 a.m. the following morning. The *delegada* was alleged to have instructed the doctor to write in the occurrence book that he died of a heart attack. The body was allegedly later sent to the IML for an autopsy which revealed that he had died of multiple trauma caused by a blunt instrument. The detainee who took Nilson Saldhana to the hospital was reportedly threatened by the police with isolation if he said anything about what had happened. The police chief allegedly made all the prisoners sign statements that they had not suffered any mistreatment. The case was reportedly sent to the general *corregedor* by the prosecutor (although the *delegado* was allegedly supposed to take action if so requested by the prosecutor), a procedure was opened. All the prisoners, except one, testified that they had been tortured. At the time of the interview (23 August), the results of the examination by the forensic doctor were said not to have been part of the evidence. The *delegada* and the aggressor were allegedly not summoned and it is believed that they are still in service. According to the information received, the case is still in the investigatory phase and that no time limit had been set for the conclusions of the inquiry. The *delegado* in charge of the inquiry and his successor were reportedly transferred.

325. **Antonio Elis Vanho Severino Silva** was reportedly arrested on 13 June 2000. At the time of his arrest, he was allegedly beaten and had pepper spray sprayed in his eyes. He was allegedly charged with armed robbery and taken to the DEPATRI jail in São Paulo where his lawyer reportedly requested a medical examination. According to the information received, he was taken to the IML by police officers who remained in the room during the examination. As a result, the doctor is said not to have reported any injury. He was allegedly taken to court by military police and threatened with a gun not to speak about the treatment he had received.

326. **Dimas Camargo Junior** was reportedly transferred on 15 August 2000 from Arare prison to the DEPATRI jail where he was to be detained until 31 August 2000 for identification purposes. On 24 August 2000, he was allegedly beaten by the *delegado* of the *delegacia* for vehicle theft. He was reportedly taken to a small room upstairs, where there were said to be bloodstains on the wall. He was reportedly beaten on his stomach and head with the dehydrated penis of an animal for 10-15 minutes. He was also allegedly given electric shocks.

He reportedly did not see a judge and he was taken to the IML by two investigators, who allegedly remained in the room during the examination. Owing to the presence of the investigators, he reportedly stated that the injuries had been caused by an accident.

327. **Jardel Sachi Barbieri** was reportedly caught in flagrante delicto in May 2000 by military police and taken to a deserted place where about 10 officers tied his head and foot to a tree and kicked and punched him for 40 minutes while questioning him about alleged accomplices. He was reportedly then taken to a riverbank with his hands and ankles tied and threatened with being thrown in the river. In July 2000 he was reportedly transferred to the DEPATRI jail. He was taken to the front office and later on to the *parlatorio* where he was allegedly beaten throughout the night with metal bars. The officers reportedly put a revolver in his mouth. It is believed that he finally signed a *nota de culpa*. He was reportedly taken to a forensic doctor by three officers who remained with him and did not allow him to speak confidentially with the doctor. Afterwards he was allegedly punched, kicked and hit with iron bars by 10 police officers in the *parlatorio* of the jail for about five hours.

328. It is alleged that on 9 June 2000, police officers checked the cells of the 50th district police station of São Paulo on three occasions. On the fourth, they were said to have discovered a gun. All the detainees were allegedly stripped naked, put on wet mattresses and given electric shocks. They were also allegedly forced to run through the so-called "Polish corridor" made up of officers from the police station and members of the GOE, most with their face covered with hoods, who reportedly beat them with iron bars and forced them to perform humiliating acts such as rolling on the floor and doing "frog-leaps". This is said to have lasted the entire afternoon. The Special Rapporteur heard the same story from detainees in different cells who could not hear each other. This, combined with the fact that most detainees bore marks of serious beatings, made their allegations most credible.

State of Rondonia

329. **Manoel Balduíno Alves** was allegedly arrested by military police officers in Chupinguaia on 1 January 1997 and taken to the local military camp. According to the information received, he was kept in a small room, was given electro-shocks and was beaten by three military police officers. As a result, he reportedly lost 90 per cent of his hearing. He was allegedly threatened with death not to report what had occurred. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

State of Tocantins

330. **Anofre Antônio Lemos**, aged 60, **Raimundo Ramos da Silva**, aged 49, and **Francisco Felismino Veloz**, aged 61, all agricultural workers, allegedly occupied a private farm in Tocantins and were reportedly arrested on 13 November 1998 by military police officers who were allegedly accompanied by a court official. They were allegedly taken to the MST camp where **Bento Gonçalves Pereria**, aged 59, and **Edelson Alves Moraes**, aged 46, also agricultural workers, were reportedly also arrested. Around the same time, the leaders of the MST movement, **Cícero Denivaldo Gomes da Silva**, aged 31, and **Jorge Nunes Chaga**, aged 20, were allegedly arrested in a nearby city. According to the information received, these

two men were brought to a local farm where the other previously arrested agricultural workers were reportedly held. They were all allegedly beaten with a gun butt, knives and machine-guns for four hours. The farm's employees were allegedly incited to kick them and to verbally threaten them. One of the movement's leaders was allegedly submerged in water. It is reported that he was slapped on the ears and punched for five hours. According to the information received, on 14 November 1998, at 1.00 a.m., they were all taken to the police station at Wanderlândia. They reportedly underwent an official medical examination which allegedly registered lesions and marks consistent with the allegations.

331. **Raimundo Lima de Sousa**, an agricultural worker, was allegedly sentenced for the murder of a civil police officer and reportedly taken to the police station at Conceição do Araguaia, state of Pará, on 22 July 1998 and to the police station in Couto Magalhães, state of Tocantins, the next day. According to the information received, on 25 July 1998, two civil police officers and two police chiefs went to the police station, allegedly to transfer him to the police station in Colina, state of São Paulo when he reportedly died in his cell the same day. According to the police officials, he committed suicide. On 25 July, a medical examination was reportedly performed which supported the allegation of suicide. An inquiry was allegedly opened. Prior to his death, he had reportedly told two persons that he was being threatened with death and was afraid of being murdered on the way to Colina. According to the information received, new testimonies reinforced the hypothesis of police torture. The state attorney reportedly requested exhumation of the body. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

332. **Manoel Ribeiro Santana** was allegedly arrested in Palmas on 7 January 1997 on suspicion of theft and taken to the 1st district police station. He was reportedly forced to sign a confession after having been kicked, punched and his head submerged in water. He was then allegedly transferred to the police station at Miranorte where he was kept handcuffed. **Antônio Abreu de Carvalho**, a 25-year-old salesman, was allegedly arrested at his house on 8 January 1998 at around 6.00 a.m., on suspicion of having bought a stolen sound machine from Manoel Ribeiro Santana. He was reportedly taken to an isolated area and beaten. He was allegedly taken to the police station and subsequently released. He is said to have been taken by his father to a hospital and then back to his house. At around 2.00 p.m., two police officers reportedly arrived at his house, took him to the police station to interrogate him and requested 200,000 reais from his father to close the case. The latter is said to have accepted and the son was allegedly taken again to the hospital, where it is believed that a doctor told him that he should look for another hospital. It is reported that he was transferred to another hospital where he allegedly died on the same day. His body is reported to have undergone an official medical examination which registered lesions compatible with the allegations. Two inquiries are said to have been opened. Although one of the inquiries allegedly accused two civil police officers, they have reportedly not been arrested. The other inquiry allegedly identifies two civil police officers and two police chiefs as responsible but is said to be still in process. The Special Rapporteur would be grateful to receive information about the outcome of the inquiries.

333. **Deumir do Santo Pereira Freitas**, a private security guard, was allegedly arrested by two civil police officers at his workplace in Palmas on 22 November 1999 on suspicion of theft. He was reportedly handcuffed and taken to a thicket area near a bridge where he is believed to have been punched several times in his stomach by a police officer in order to make him confess.

According to the information received, he was then taken to the 3rd district police station where he was reportedly handcuffed to an iron bar. After three hours, he was allegedly transferred to another police station. A judicial inquiry has reportedly been opened.

334. **José Gomes da Silva**, a 27-year-old driver, and **Jonas Araújo de Sousa**, aged 18, were allegedly arrested by four civil police officers and a police chief in Palmas on 6 January 1999 on suspicion of having taken part in robberies on public buses. They were reportedly taken to the 2nd district police station where they are said to have been beaten by police officers. The police chief allegedly placed a plastic bucket over José Gomes da Silva's head and hit his head several times. He reportedly threatened to staple his penis with a stapler. The next day, he was allegedly transferred to another police station and reportedly released. A judicial inquiry has allegedly been opened. The Special Rapporteur would be grateful to receive information about the outcome of the judicial inquiry.

335. **Ozias Tavares de Araújo**, an agricultural worker, was allegedly arrested on 18 December 1999 by three military police officers who had entered his home, located about 30 km away from the state capital in Monte do Camo, without a warrant. At the time of his arrest, he was reportedly handcuffed and beaten with sticks in the presence of his brother, his sister-in-law and his nephew. Shots were allegedly fired close to his ear. As a result, his nose reportedly started to bleed and his eardrum burst. A police officer reportedly shot at him and the bullet grazed his right ear. He was then allegedly punched on his ear. He was then reportedly taken to the 1st district police station in Palmas. During the transfer, he was reportedly beaten, punched, kicked, hit with a machete on his back, neck and feet and had a plastic bag placed over his head. At the police station, he was reportedly asked to sign documents which he was not allowed to read and to pay 6,000 reais. The police is said to have released him on the following day after the intervention of an attorney. He was allegedly not accused of any offence. On 20 December, he saw a doctor who allegedly examined his lesions. Twenty-five days later he reportedly went to the Office of the Public Prosecutor and requested the opening of an inquiry, which is said to have been initiated. The medical report prepared by the Office of the Public Prosecutor is said not to be available and the status of the procedure reportedly not known. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

336. **Valdir Inácio de Paula** was allegedly arrested on 14 February 2000 in Araguaína, on suspicion of organizing a gang and taken to the Araguaína regional police station where he was reportedly beaten by four military police officers. They reportedly put a plastic bag over his head, nearly suffocating him, and to have hit him with a wooden stick on his neck for three hours. The next day, he was reportedly transferred to a prison. According to the information received, he was transferred to a hospital on 4 March 2000 where he reportedly died on 16 March 2000. His body allegedly underwent an official medical examination but the doctor is said not to have signed the final report. A judicial inquiry has allegedly been opened and it is thought that exhumation of the body has been suggested. The Special Rapporteur would be grateful to receive information about the outcome of the judicial inquiry.

337. **R.L.S.**, aged 16, was allegedly arrested by a civil police officer at his house in Palmas on 25 October 1999. According to the information received, the officer was searching for his 14-year-old sister, who had allegedly stolen a wallet. He was reportedly taken to the 4th district

police station where he is said to have been pushed onto the floor and handcuffed for more than nine hours. It is reported that he was taken to a bathroom and beaten by a man who reportedly inserted his head inside the toilet bowl twice, in order to make him confess. He was allegedly slapped in the face, kicked and punched in his back, knees and stomach by a police officer while the other man beat him. It is said he escaped from the station the next day, still wearing his handcuffs. As a result of the beatings, his body was reportedly covered with lesions and he allegedly suffered from fever, severe pain and bleeding on his wrists. A member of the City Youth Rights Division reportedly took him back to the 4th district police station the next day, where officers removed his handcuffs and the police chief formally released him. He reportedly underwent an official medical examination. A judicial inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

338. **Jurivaldo França dos Santos**, a student, allegedly had a misunderstanding with his 6-year-old neighbour in Palmas on 2 October 1999. The child's father reportedly called the military police officers. It is said that the officers arrived and pulled him by his ear. He was then allegedly slapped on the nose and thrown onto the floor. He was reportedly taken to the police station at Jardim I Aureny. According to the information received, two civil police officers took his shoes off and kicked him. He was reportedly told to kneel down and was punched in the neck while handcuffed. It is said that he was released the same day. An inquiry has allegedly been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

339. **Roberto Muniz Campista**, a 25-year-old agricultural worker, was reportedly beaten by four police officers at his house in Taquarussú on 22 April 1999. According to the information received, the police officers and two other men arrived at his house with an eviction notice. He is said to have questioned the document presented to him and to have said that he would not leave the house. The police officers allegedly started to beat and threaten him. He is said to have reported the incident at the police station and requested an official medical examination. The two men, along with five military police officers, allegedly returned to his house while he was away and took all his belongings. His mother, **Eulália Francisca Muniz Campista**, an agricultural worker, who was said to have been lying in bed sick, was reportedly thrown onto the floor by an officer. She allegedly hit her head and fainted. She was said to have been taken to a hospital where she reportedly remained for 10 hours. A judicial inquiry was allegedly opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

340. **Flávia Rodrigues Mota de Oliveira**, a 26-year-old public employee and student, and her brother were allegedly approached by three military police officers at her house in Palmas on 31 March 1999. The officers reportedly asked for their documents and verbally abused them. According to the information received, she, her brother and her husband (who arrived later) were beaten by the officers. She reportedly underwent an official medical examination which registered lesions consistent with the allegations. The local media is thought to have been informed about the incident.

341. **Deusimar Alves**, aged 26, was allegedly arrested by military police officers on 6 April 1995 in a bar in Barrolândia. He was reportedly taken to a police station and allegedly escaped a few days later. According to the information received, on 15 April 1999 the

military police officers rearrested him along with his wife, **Luzinete Alves**, who was pregnant, and severely beat them. She was allegedly tied to a tree, violently punched and beaten with a rope. According to the information received, she was forced to push the police vehicle on their way to the police station while officers whipped her with a rope. In the police station, she was allegedly slapped in the face and struck with a club. She reportedly fainted as a result of the torture. She is said to have been detained until 18 April and then was released. It is believed that she was threatened not to tell anyone about the incident. According to the information received, the officers told her that if anyone questioned her about her injuries, she should say that she had fallen. She is said to have lost her baby as a result of the beatings. The officers involved in the incident have reportedly not been punished.

342. **Vilmar Anastácio Júnior**, aged 28, and his father, **Vilmar Anastácio**, a 48-year-old salesman, were allegedly involved in a misunderstanding with a military police officer at a bar on 28 March 1997 in Dianópolis. It is said that the police officer shot at Vilmar Anastácio Júnior, severely injuring him. **Wagner Wilson Anastácio**, his 25-year-old brother, reportedly arrived and killed the military police officer. Five military police officers reportedly arrested Wagner Wilson Anastácio. According to the information received, a group of officers in two cars drove him about 5 km away from the city and beat him. He was then reportedly shot twice and died. Vilmar Anastácio was reportedly arrested on 29 March 1997 at the hospital where Vilmar Anastácio Jr. had been taken. According to the information received, he was beaten in the hospital and then taken about 6 km away from the city. It is believed that he was shot three times and died. A judicial inquiry was allegedly opened. Six military police officers were reportedly indicted and preventive custody was requested. According to the information received, they were reportedly detained in a special prison, but released on a *habeas corpus* writ obtained by their lawyer. The proceedings are said to be continuing. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

343. **Alexandre Correia de Souza**, aged 25, was allegedly arrested by military police officers in Palmas on 27 April 1997. According to the information received, he was drunk and broke a mirror during a party in a bar. It is reported that he was taken to an isolated area, handcuffed and beaten, mainly in the abdominal area. He was released some time later after having been taken to the 1st district police station. On 28 April, he allegedly started to vomit blood and to feel sharp pain all over his body. He was allegedly taken to a local hospital where he underwent an operation. Due to his worsening health conditions, he was reportedly transferred to the Gurupi Regional Hospital where, according to the information received, he died on 29 April as a result of the alleged torture. His body reportedly underwent an official medical examination which allegedly registered lesions consistent with the allegations. A judicial inquiry was reportedly opened. Three military police officers were allegedly indicted and preventive detention was requested. According to the information received, they were arrested on 28 May and released on 8 July on a *habeas corpus* writ obtained by their lawyer. The proceedings are said to be continuing. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

344. **Alvino Valentin de Carvalho**, a 37-year-old agricultural worker, was allegedly arrested by five police officers in plain clothes on 12 November 1997 in Lagoa da Confusão. He was reportedly handcuffed, taken to a distant neighbourhood and beaten in order to reveal the

whereabouts of his cousin, who was said to have been accused of bank robbery. According to the information received, he was left in the bush and managed with difficulty to get to a hospital where he received treatment. He reportedly reported the incident to the Office of the Public Prosecutor. He allegedly underwent an official medical examination which reportedly registered lesions consistent with the allegations. On December 1997, he was allegedly approached again by four police officers in plain clothes, put in their private vehicle and taken to an isolated area where he was reportedly beaten again and his head submerged several times. It is believed that he did not go to court to testify due to the threats he had allegedly received. A police inquiry is said to have been opened. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

345. **Luis Carlos Paranhos das Neves**, a 39-year-old teacher, was allegedly arrested on 20 March 1998 in Palmas on suspicion of possessing marijuana. He was reportedly taken to a police station where his right to consult a lawyer was allegedly denied and where he is said to have been beaten and subjected to "telephone torture" by the police officers. According to the information received, the police chief told him to sign a confession that he was a narcotics dealer, in order to acquire evidence against a man who had allegedly threatened to kill a police officer. When he refused, he was reportedly threatened and, as a consequence, is said to have signed "some papers". An inquiry has reportedly been opened. The Special Rapporteur would be grateful to receive information on the outcome of the inquiry.

346. **Oliveira Negri**, aged 25, **Gumercindo Pereira Dias**, aged 42, and **Doralício Bento Araújo**, aged 46, were allegedly arrested by military police officers in Porto Nacional on 14 November 1998 on suspicion of theft. They were reportedly taken to the local police station and beaten. It is reported that Doralício Bento Araújo died in Porto Hospital. The Office of the Public Prosecutor and the *corregedor* of the military police have allegedly been informed about the incident.

347. **Cledson de Sousa Magalhanes** was allegedly arrested "in flagrante delicto" for rape on 29 February 2000 at 2.30 p.m., while reportedly on his way to the supermarket. It is reported that police officers came up to him and told him to lie down so he could be handcuffed. When he refused, a police officer beat him and put him into a police car. A lieutenant (whose name is known to the Special Rapporteur) allegedly ordered him taken out of the car and the police officers started beating him, saying "this is what we do to rapists", in the presence of witnesses. At 6 p.m. he was reportedly taken to the military police station where police officers, standing in a circle, allegedly slapped him, pushing him from one side of the circle to the other and beating him in turns to make him confess. It is reported that they particularly beat his ears with their palms ("telephone torture"). When the press came to the police station to film him, he was allegedly given a cold shower and was made to dress. It is believed that he was not allowed to cover his face and was apparently shown on television and depicted as a rapist. When the press left, he declared that he was innocent and was reportedly kicked in the genitals. He was reportedly later taken to the civil police station in Taquaracu (40 km from Palmas) where a *delegado* took his statement. Although it was raining and he had a fever, he was allegedly put in an open-roofed yard and during the night buckets of cold water were reportedly thrown on him. According to the information received, a judge subsequently declared that the accusation against him was groundless and he was released. Since his release, he has reportedly received threats by phone and his house is said to be watched. When he was released he allegedly went to the

Human Rights Commission and to a prosecutor in Palmas and a civil complaint is said to have been filed for moral and physical damage. The process is reported to be slow. The judge has reportedly seen the signs of torture and a medical examination is said to have confirmed his allegations. Cledson de Sousa Magalhanes has reportedly requested the opening of criminal proceedings against the police. It is reported that the judge has ordered the public prosecutor to open an investigation for the crime of torture but that this investigation is pending. The accused officers are said still to be working. The Special Rapporteur would be grateful to receive information about the outcome of the inquiry.

348. **Paulo Francisco de Sousa**, a 26-year old employee in a motorcycle shop, was reportedly suspected of having broken into the house of a police sergeant in Palmas because a motorcycle had been seen on the scene. On 25 December 1999, he was allegedly arrested by military police at 3 p.m. at a petrol station in Palmas and released around 6.30 p.m. pending investigations. According to the information received, during his arrest he was handcuffed and taken to a market by the military police where he was shown a motorcycle and asked if he knew who it belonged to. He reportedly said that he did, and took the officers to the home of the owner of the motorcycle. This person was allegedly not there and the police accused Paulo Francisco de Sousa of covering up. He was allegedly taken to a place outside the town, removed from the car, thrown to the ground and beaten with nightsticks, inter alia on his feet, until 6 p.m.. He is said to have then been taken to the military garrison and told that he was going to be freed. The military police stated that they would take him home and threatened to contact the transport police to cancel his provisional driver's licence if he talked about the beatings. According to the information received, he immediately went to the civil police station to report the beating, where a police officer told him to be quiet. Another police officer reportedly recognized Paulo Francisco de Sousa and stated that the case should be registered. The civil police officers also ordered him to be taken to the IML the following morning. With the results of the examination, he reportedly went to court, saw the prosecutor and human rights groups. He then reportedly went to see the colonel of the military police, telling him that what had been written about him in their reports was false. The colonel allegedly said that he would call a military police captain to open an inquiry against the two policemen. The accused military policemen are said still to be patrolling the streets and reportedly ran into Paulo Francisco de Sousa. Following this incident, he again went to court and to the Office of the Public Prosecutor where an inquiry was allegedly opened. Four weeks later, on 20 January 2000, court proceedings reportedly started. It is thought that he had had to move to his mother's house because he was being threatened. The Special Rapporteur would be grateful to receive information about the outcome of the proceedings.
